

THIRTEENTH DAY

Tuesday, February 10, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Captain Dwayne Patterson, Salvation Army, Kaneohe, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Twelfth Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 142, informing the Senate that on February 10, 2004, the Lt. Governor signed into law House Bill No. 2585 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," was read by the Clerk and was placed on file.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 27 to 30) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 27 "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS."

Offered by: Senators Tsutsui, English, Baker, Hooser.

No. 28 "SENATE CONCURRENT RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII."

Offered by: Senators Kim, Fukunaga, Chun Oakland, Trimble, Hooser, Hanabusa, Tsutsui, Baker, Inouye, Ige, Espero, Aduja, Kokubun, Bunda.

No. 29 "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS."

Offered by: Senators Kim, Chun Oakland, Trimble, Hanabusa, Tsutsui, Baker, Espero, Inouye, Aduja, Kokubun, Sakamoto, Bunda, Ige, English.

No. 30 "SENATE CONCURRENT RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA."

Offered by: Senators Kim, English, Trimble, Kawamoto, Hanabusa, Kokubun, Hooser, Inouye, Sakamoto, Espero, Aduja, Ige, Tsutsui, Hemmings, Taniguchi.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 14 to 18) were read by the Clerk and were deferred:

Senate Resolution

No. 14 "SENATE RESOLUTION REQUESTING THE STATE OF HAWAII RECOGNIZE FEBRUARY 6 AS 'RONALD REAGAN DAY.'"

Offered by: Senators Slom, Hemmings, Hogue, Trimble, Whalen, Inouye.

No. 15 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ENSURE THAT AT LEAST EIGHTY PER CENT OF FEDERAL EXPENDITURES REMAIN IN HAWAII, AND THE RIGHTS OF LOCAL UNION LABOR TO FAIR WAGES UNDER THE DAVIS-BACON ACT ARE NOT CIRCUMVENTED, ON THE U.S. MILITARY PRIVATIZATION CONSTRUCTION CONTRACTS FOR IMPROVEMENTS ON HAWAII MILITARY BASES."

Offered by: Senator Kawamoto.

No. 16 "SENATE RESOLUTION DESIGNATING MISS HAWAII, OF THE MISS AMERICA SCHOLARSHIP PROGRAM, THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII DURING HER TERM AS MISS HAWAII."

Offered by: Senators Kim, Fukunaga, Chun Oakland, Trimble, Hooser, Hanabusa, Kawamoto, Tsutsui, Baker, Inouye, Bunda, Ige, Espero, Aduja, Kokubun.

No. 17 "SENATE RESOLUTION URGING THE FEDERAL TRADE COMMISSION TO INVESTIGATE AND TAKE ACTION AGAINST THE USE OF UNSOLICITED PORNOGRAPHIC POPUP ADVERTISEMENTS."

Offered by: Senators Kim, Chun Oakland, Trimble, Tsutsui, Espero, Inouye, Aduja, Sakamoto, Kokubun, Baker, Taniguchi, Hanabusa, Bunda, Ige, English.

No. 18 "SENATE RESOLUTION ENDORSING AND SUPPORTING THE SPIRIT OF HAWAII GOODWILL AND FRIENDSHIP COASTAL KOREA VISIT AND URGING THE NORTH KOREAN GOVERNMENT TO SUPPORT JAE KWON LEE AND JONATHAN COWLES ON THEIR JOURNEY TO NORTH KOREA."

Offered by: Senators Kim, English, Trimble, Kawamoto, Hanabusa, Kokubun, Hooser, Inouye, Sakamoto, Espero, Aduja, Ige, Tsutsui, Hemmings, Taniguchi.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2004) recommending that S.B. No. 2278 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2278, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS

OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2005) recommending that S.B. No. 2439 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2439, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2006) recommending that S.B. No. 2443, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' LIENS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2007) recommending that S.B. No. 2394, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 12, 2004.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2008) recommending that S.B. No. 2396 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2396, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2009) recommending that S.B. No. 2589 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2589, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2010)

recommending that S.B. No. 2327 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2327, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2011) recommending that S.B. No. 2149 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2149, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2012) recommending that S.B. No. 2164 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2164, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2166 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2166, entitled: "A BILL FOR AN ACT RELATING TO THE EDUCATION OF FOSTER YOUTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 2168, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIB SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2224 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2016) recommending that S.B. No. 2226 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2017) recommending that S.B. No. 2227, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2301 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2301, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2019) recommending that S.B. No. 2223, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2223, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2581, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEEDLE EXCHANGE PROGRAM," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 245, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 245, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TRANSPORTATION," passed Second Reading and was recommitted to the Committee on Transportation, Military Affairs, and Government Operations.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2074 Affairs	Committee on Judiciary and Hawaiian
No. 2451 Affairs	Committee on Judiciary and Hawaiian
No. 2822	Jointly to the Committee on Labor and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 2827 Affairs	Committee on Judiciary and Hawaiian
No. 2828 Affairs	Committee on Judiciary and Hawaiian
No. 3030 Affairs	Committee on Judiciary and Hawaiian
No. 3088	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Science, Arts, and Technology and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3101	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 3163	Jointly to the Committee on Science, Arts, and Technology and the Committee on Energy and Environment, then to the Committee on Ways and Means
No. 3164	Committee on Energy and Environment, then to the Committee on Ways and Means

ADJOURNMENT

At 11:45 o'clock a.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 11, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate