

## TWENTY-THIRD DAY

**Tuesday, February 20, 2001**

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father William O'Connell, Administrator, Marianist Hall Community, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

The President announced that he had read and approved the Journal of the Twenty-Second Day.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m.

At this time, the following introductions were made to the members of the Senate:

Senators Menor and Taniguchi introduced and congratulated the following recipients of the Milken Family Foundation National Educator Awards: Alison Tanaka of Kanoelani Elementary School, and Linda Morikone of Noelani Elementary School.

Senator Taniguchi then congratulated Noelani Elementary School on being selected as a Blue Ribbon School in Hawaii by the United States Department of Education and introduced Clayton Fujie, principal; and Sarah Sherry, a student body representative.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

**STANDING COMMITTEE REPORTS**

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 578) recommending that S.B. No. 490 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 490, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 579) recommending that S.B. No. 781 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 781, entitled: "A BILL FOR AN ACT RELATING TO PENAL RESPONSIBILITY," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 580) recommending that S.B. No.

805, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2001.

Senator Kanno, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 581) recommending that S.B. No. 859, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 859, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2001.

Senators Chun and Matsuura, for the Committee on Hawaiian Affairs and the Committee on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 582) recommending that S.B. No. 1390, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and S.B. No. 1390, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 1, 2001.

**ORDER OF THE DAY****THIRD READING****MATTERS DEFERRED FROM  
FRIDAY, FEBRUARY 16, 2001**

S.B. No. 875:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 875, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

S.B. No. 1017:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, S.B. No. 1017, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

**THIRD READING**

S.B. No. 64, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 64, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

S.B. No. 478, S.D. 1:

On motion by Senator Kanno, seconded by Senator Matsuura and carried, S.B. No. 478, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATHOLOGICAL INTOXICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

S.B. No. 726, S.D. 1:

Senator Kanno moved that S.B. No. 726, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Matsuura.

Senator Chumbley rose in support of the measure with reservations as follows:

"Mr. President, I rise to speak in support of the bill, with reservations.

"My reservations are in the hope that the Chair will look at the drafting of the bill. I think it's somewhat confusing and problematic and needs work as this measure goes forward.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 726, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

S.B. No. 754:

Senator Inouye moved that S.B. No. 754, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

Senator Chun requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 754, entitled: "A BILL FOR AN ACT RELATING TO MARITIME LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Sakamoto).

S.B. No. 496, S.D. 1:

By unanimous consent, action on S.B. No. 496, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FOUNDATION ON CULTURE AND THE ARTS," was deferred until Wednesday, February 21, 2001.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 365 (Gov. Msg. No. 117):

By unanimous consent, action on Stand. Com. Rep. No. 365 and Gov. Msg. No. 117 was deferred until Wednesday, February 21, 2001.

#### RE-REFERRAL OF SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
No. 400	Committee on Health and Human Services

#### ADJOURNMENT

At 12:17 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 21, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate