

THIRTY-SIXTH DAY

Wednesday, March 20, 2002

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2002, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Paul Brennan, First Chinese Church of Christ, 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 Thirty-Fifth Day.

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

Senator Sakamoto introduced Miss Angela Baraquio, Miss America 2001, and congratulated her on a job well done as a role model to young women and for her dedication to the children of the nation and the State of Hawaii. Accompanying Miss Baraquio were her manager, Therese Baraquio, and traveling companion, Leilani Keough.

Senator Sakamoto then introduced Dr. Loretta Krause, Principal of the University Laboratory School and Professor at the University of Hawaii College of Education.

Senator Tam, with the assistance of Senators Sakamoto, Matsunaga and Chun Oakland, introduced and congratulated the 2002 Miss Chinatown Hawaii Queen Janna Marie Gum and her Court: First Princess Chun Hui Chen and Second Princess Doris Ding Gar Lum. Accompanying the young women was Paul Chun, executive pageant director.

Senator Ige, in recognition of the 20th anniversary of the Nissan Hawaii High School Hall of Honor, introduced J. Robertson and Toshiyuki Nakasone.

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o'clock p.m.

JUDICIARY COMMUNICATION

Jud. Com. No. 2, submitting for consideration and consent, the nomination of HILARY B. GANGNES to the Office of Judge, District Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 2881) recommending that H.B. No. 2521, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2521, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF DISEASE," passed Second Reading and was referred to the Committee on Judiciary.

Senators Sakamoto and Kawamoto, for the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, presented a joint report (Stand. Com. Rep. No. 2882) recommending that H.B. No. 1974, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 1974, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2883) recommending that H.B. No. 1942, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1942, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO CELEBRATE THE ONE-HUNDREDTH ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2884) recommending that H.B. No. 1959, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 1959, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2885) recommending that H.B. No. 2164, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2164, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2886) recommending that H.B. No. 2558, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2558, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOANS FOR TEACHERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2887) recommending that H.B. No. 2798, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2798, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOLARSHIPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2888) recommending that the Senate advise and consent to the nomination of LOIS C. MIYASHIRO to the State Post-Secondary Education Commission, in accordance with Gov. Msg. No. 236.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 2888 and Gov. Msg. No. 236 was deferred until Thursday, March 21, 2002.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2889), recommending that S.C.R. No. 29, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.C.R. No. 29, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO EXAMINE THE EFFECTIVENESS OF THE HAWAII PREPAID HEALTH CARE ACT, CHAPTER 393, HAWAII REVISED STATUTES, AND TO CONSIDER THE FEASIBILITY OF AMENDING OR REPEALING THE ACT," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2890) recommending that H.B. No. 2014, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2014, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEW CENTURY CONVERSION CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2891) recommending that H.B. No. 2033, H.D. 3, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2033, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 2892) recommending that H.B. No. 2166, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 2166, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2893) recommending that H.B. No. 2353, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2353, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2894) recommending that H.B. No. 2480, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2480, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS FARES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2895) recommending that H.B. No. 2751, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2751, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 2896) recommending that H.B. No. 2787, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 2787, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION STOREROOM REVOLVING FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Sakamoto and Kanno, for the Committee on Education and the Committee on Judiciary, presented a joint report (Stand. Com. Rep. No. 2897) recommending that H.B. No. 2848, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the joint report of the Committees was adopted and H.B. No. 2848, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VII, SECTION 12, AND ARTICLE X, SECTION 1, OF THE CONSTITUTION OF THE STATE OF HAWAII TO AUTHORIZE THE STATE TO ISSUE SPECIAL PURPOSE REVENUE BONDS AND USE THE PROCEEDS FROM THE BONDS TO ASSIST NOT-FOR-PROFIT PRIVATE ELEMENTARY SCHOOLS, SECONDARY SCHOOLS, COLLEGES, AND UNIVERSITIES," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 13, 2002, and Thursday, March 14, 2002:

Senate
Concurrent
Resolution

Referred to:

No. 103 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 113 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 118 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 124 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Tourism and Intergovernmental Affairs

No. 133 Committee on Water, Land, Energy, and Environment

No. 141 Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 154 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing

No. 162 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 167 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, March 14, 2002:

Senate
Resolution

Referred to:

No. 61 Jointly to the Committee on Hawaiian Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

No. 65 Committee on Water, Land, Energy, and Environment, then to the Committee on Ways and Means

No. 71 Jointly to the Committee on Health and Human Services and the Committee on Education, then to the Committee on Tourism and Intergovernmental Affairs

No. 93 Jointly to the Committee on Labor, the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 100 Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 2352, H.D. 1, S.D. 1 Jointly to the Committee on Education and the Committee on Labor, then to the Committee on Ways and Means

No. 2440, H.D. 1 Jointly to the Committee on Health and Human Services and the Committee on Judiciary

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following concurrent resolutions that were offered:

Senate
Concurrent
Resolution

Referred to:

No. 12 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

No. 127 Jointly to the Committee on Education and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Ways and Means

**RE-REFERRAL OF
SENATE RESOLUTION**

The Chair re-referred the following resolution that was offered:

Senate
Resolution

Referred to:

No. 41 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

Senator Inouye, Chair of the Committee on Water, Land, Energy, and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2764.

Senator Inouye noted:

“Mr. President, H.B. No. 2764, H.D. 1, is relating to conveyance tax. This changes the percentage of the conveyance tax designated to the NARs program, and it’s being asked that an appropriation of \$1 million be transferred to the homeless assistance.”

The Chair then granted the waiver.

Senator Kanno, Chair of the Committee on Judiciary, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. No. 2429.

Senator Kanno noted:

“Mr. President, the bill was heard this morning jointly by the Committee on Health and Human Services and the Committee on Judiciary, and although the Committees did set a time for decision making for Judiciary for today at 1:15 and Health and Human Services for Friday at 1:00 p.m., after conferring with the Chairs, what the Chairs have decided to pursue is a proposed S.D. 1, which we’d like to schedule for a public hearing on Friday, March 22 at 9:30 in room 229.

“The bill is called, ‘Relating to Tobacco.’ The proposed S.D. 1 will include language having to implement a ban on smoking in bars and restaurants and we also have drafts available. The hearing notice was decked this morning and drafts are available in room 226 and room 202. It’s also already been posted on the Capitol website.”

The Chair then granted the waiver.

Senator Hemmings rose on a point of personal privilege as follows:

“Mr. President, I rise on a point of personal privilege.

“In a letter to you several days ago, I informed you that I have the honor of being invited to Lima, Peru on basically a goodwill trip on behalf of Hawaii and the sport of surfing. While in Peru, I will be meeting with the U.S. Ambassador and I’m also giving a talk to a business association regarding development of the travel industry, and I’ll be doing a national television show about drugs and sports and how sports can be a deterrent to drug use, and also participating in the opening of a display at their newly inaugurated surfing museum.

“I have received an inquiry from not a smarmy but a snooty reporter wondering if I was going to Peru at the taxpayers’ expense. Unfortunately, I have to take the time here to put the disclaimer in for the notice of the public and my colleagues that I’m paying for the entire trip out my pocket and nothing is being done at the taxpayers’ expense.

“Thank you for this opportunity.”

ADJOURNMENT

At 12:22 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., Thursday, March 21, 2002.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate