

## TWENTY-SECOND DAY

## Tuesday, February 18, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Patrick Freitas, Our Lady of Perpetual Help Catholic Church, after which the Roll was called showing all Senators present.

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

## HOUSE COMMUNICATION

Hse. Com. No. 5, transmitting H.B. No. 564, which passed Third Reading in the House of Representatives on February 13, 2003, was read by the Clerk and was placed on file.

By unanimous consent, action on H.B. No. 564, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," was deferred until Wednesday, February 19, 2003, and Tuesday, March 4, 2003.

## JUDICIARY COMMUNICATION

Jud. Com. No. 1, submitting for consideration and consent, the nomination of MATTHEW S.K. PYUN to the Office of Judge, District Court of the Third 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 and Hawaiian Affairs.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 21 to 26) were read by the Clerk and were deferred:

## Senate Concurrent Resolution

No. 21 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO NOT PREEMPTIVELY START A WAR WITH IRAQ, BUT TO PURSUE A PEACEFUL, DIPLOMATIC RESOLUTION BUILT UPON INTERNATIONAL SUPPORT."

Offered by: Senators English, Tsutsui, Espero, Hooser, Kokubun, Hanabusa, Aduja, Inouye, Chun Oakland, Fukunaga, Ihara, Kim, Ige, Taniguchi, Baker, Kanno, Sakamoto.

No. 22 "SENATE CONCURRENT RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND ALTERNATIVE FUEL PROVIDERS TO EFFECTUATE THE GOALS OF SECTIONS 501 AND 507 OF THE ENERGY POLICY ACT OF 1992."

Offered by: Senators English, Tsutsui, Baker, Espero, Hooser, Hanabusa, Aduja, Inouye, Hogue, Kanno, Sakamoto, Kokubun, Hemmings, Taniguchi, Ige, Kim, Chun Oakland, Fukunaga, Ihara, Trimble.

No. 23 "SENATE CONCURRENT RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN."

Offered by: Senators Hanabusa, Kokubun, English, Kim, Sakamoto, Taniguchi, Inouye.

No. 24 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S HOTELS TO PROVIDE FACILITIES FOR EMAIL AND INTERNET ACCESS FOR THEIR GUESTS."

Offered by: Senators Fukunaga, Kawamoto, Kanno, Ihara, Kim, Hemmings, Trimble, Kokubun, Tsutsui, Hanabusa, Chun Oakland, Sakamoto, Aduja, Espero, Inouye, English, Ige, Menor, Baker, Slom, Hooser.

No. 25 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE USE OF CLOSED-CAPTIONING TELEVISION TO TEACH READING TO STUDENTS."

Offered by: Senator Sakamoto.

No. 26 "SENATE CONCURRENT RESOLUTION URGING STATE AND COUNTY GOVERNMENTS TO ACCEPT THE MATRICULA CONSULAR AS AN OFFICIAL FORM OF IDENTIFICATION FOR MEXICAN IMMIGRANTS IN HAWAII."

Offered by: Senator Sakamoto.

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 11 to 15) were read by the Clerk and were deferred:

## Senate Resolution

No. 11 "SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES TO NOT PREEMPTIVELY START A WAR WITH IRAQ, BUT TO PURSUE A PEACEFUL, DIPLOMATIC RESOLUTION BUILT UPON INTERNATIONAL SUPPORT."

Offered by: Senators English, Tsutsui, Espero, Hooser, Kokubun, Hanabusa, Aduja, Inouye, Chun Oakland, Fukunaga, Ihara, Kim, Ige, Taniguchi, Baker, Kanno, Sakamoto.

No. 12 "SENATE RESOLUTION REQUESTING ALL STATE DEPARTMENTS AND ALTERNATIVE FUEL PROVIDERS TO EFFECTUATE THE GOALS OF SECTIONS 501 AND 507 OF THE ENERGY POLICY ACT OF 1992."

Offered by: Senators English, Tsutsui, Baker, Hooser, Inouye, Kokubun, Kanno, Hogue, Hemmings, Ihara, Fukunaga, Kim, Taniguchi, Trimble, Sakamoto.

No. 13 "SENATE RESOLUTION SUPPORTING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN."

Offered by: Senators Hanabusa, Kokubun, English, Kim, Sakamoto, Taniguchi, Inouye.

No. 14 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENCOURAGE THE USE OF CLOSED-CAPTIONING TELEVISION TO TEACH READING TO STUDENTS."

Offered by: Senator Sakamoto.

No. 15 "SENATE RESOLUTION URGING STATE AND COUNTY GOVERNMENTS TO ACCEPT THE MATRICULA CONSULAR AS AN OFFICIAL FORM OF IDENTIFICATION FOR MEXICAN IMMIGRANTS IN HAWAII."

Offered by: Senator Sakamoto.

#### STANDING COMMITTEE REPORTS

Senators Kawamoto and English, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 572) recommending that S.B. No. 1290, 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 joint report of the Committees was adopted and S.B. No. 1290, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCT PROCUREMENT PREFERENCES BY STATE AGENCIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2003.

Senator Ige, for the Committee on Science, Arts, and Technology, presented a report (Stand. Com. Rep. No. 573) recommending that S.B. No. 1334 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. 1334, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 27, 2003.

Senator Fukunaga, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 574) recommending that S.B. No. 126, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Economic Development and 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. 126, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was recommitted jointly to the Committee on Economic Development and the Committee on Transportation, Military Affairs, and Government Operations.

#### ORDER OF THE DAY

##### THIRD READING

S.B. No. 554:

Senator Inouye moved that S.B. No. 554, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Slom rose to speak in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor of the bill with reservations, but first, Mr. President, I have to declare a possible conflict of interest – you may recall that the previous Governor named the first imported brown tree snake Sam. Is there a conflict, Mr. President?"

The Chair responded: "No conflict, Senator."

Senator Slom continued:

"Well, about the aforementioned Sam, he was imported into the State. I say he because he was sterile, but I say he, anyway. And we didn't learn for months what had happened with him. He was supposed to be imported here as a live snake to train the existing dogs here. And we never heard from him and I remember having an agricultural hearing and asking the head of the Department of Agriculture what happened to him and they matter-of-factly said, 'Oh, he died several months ago and the second one did too.'

"I don't know what the cost involved is in bringing these live tree snakes but I did ask my colleagues for an autopsy report and we didn't get that. I don't know how many previous snakes we've had – we didn't get a report on that. And I don't know how much it costs – we didn't get a report on that. So now we're asking to bring in four more live brown tree snakes. I think we should have a special investigating committee, Mr. President, to look into the status, particularly since last year was the year of the serpent.

"Thank you, Mr. President."

The motion was put by the Chair and carried, S.B. No. 554, entitled: "A BILL FOR AN ACT RELATING TO BROWN TREE SNAKES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1256:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 1256, entitled: "A BILL FOR AN ACT RELATING TO THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1416:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 1416, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1460, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 1460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS ENTERED INTO BY THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1267:

Senator Hanabusa moved that S.B. No. 1267, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in support of the measure with reservations and said:

“Mr. President, I rise to support this measure with reservations.

“I want to thank, first of all, the Committee Chair of the Judiciary who has been just a joy to work with and she is extremely thorough.

“My reservations, actually, are noted in the committee report. There is a paragraph here in which the Committee raised state liability concerns due to requiring new cigarette manufacturers to conform to the escrow requirements of the NSA prior to selling cigarettes to this State.

“Currently, the AG’s Office provided a written response acknowledging that challenges to the NSA have occurred in other states but have not been successful. However, two cases have not been resolved and I think that there has to be resolution. So, because of that, I will be voting with reservations.

“Thank you.”

Senator Slom then 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. 1267, entitled: “A BILL FOR AN ACT RELATING TO TOBACCO,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

#### **RE-REFERRAL OF SENATE BILL**

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

Senate Bill                      Referred to:

No. 1040, S.D. 1              Jointly to the Committee on Tourism, the Committee on Economic Development and the Committee on Ways and Means

#### **ADJOURNMENT**

At 11:57 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 19, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate