

## TWENTY-THIRD DAY

**Wednesday, February 19, 2003**

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Major George Rodriguera, The Salvation Army, after which the Roll was called showing all Senators present with the exception of Senator Whalen who was excused.

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

At this time, Senator Taniguchi introduced Jose Racasa and congratulated him on winning The Outstanding Lodging Employee of the Year Award at the Hawaii Hotel Association Recognition Luncheon.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 202 to 209) were read by the Clerk and were placed on file:

Gov. Msg. No. 202, dated January 28, 2003, transmitting a Report on University of Hawaii Tuition and Fees Special Fund Expenditures for the Purpose of Generating Private Donations FY 2001-2002, prepared by the University of Hawaii pursuant to Section 304-16.5, HRS.

Gov. Msg. No. 203, dated February 11, 2003, transmitting the Corrections Population Management Commission's 2002 Annual Report, pursuant to Section 353F-3, HRS.

Gov. Msg. No. 204, dated February 12, 2003, transmitting a Report Relating to Fees Collected by the Department of Health, prepared by the Department of Health, Health Resources Administration, Family Health Services Division, Maternal and Child Health Branch, pursuant to Act 216, SLH 1997.

Gov. Msg. No. 205, dated February 18, 2003, transmitting a Report on the Status of the Environmental Health Education Fund as Established by Act 169, SLH 1994, prepared by the Department of Health pursuant to Section 321-27, HRS.

Gov. Msg. No. 206, dated February 18, 2003, transmitting a report, "Recovering Hawaii's Unique and Imperiled Flora and Fauna: A Discussion on Habitat Conservation Plans and Safe Harbor Agreements," prepared by the Environmental Council pursuant to H.C.R. No. 103 (2002).

Gov. Msg. No. 207, dated February 18, 2003, transmitting a Report Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health, prepared by the Department of Health, Environmental Health Administration, Environmental Management Division, Safe Drinking Water Branch, Wastewater Branch, pursuant to Sections 340E-31 through 340E-41, HRS.

Gov. Msg. No. 208, dated February 18, 2003, transmitting the Progress Report for Increasing the General Fund Appropriation for Early Intervention Services, prepared by the

Department of Health pursuant to Act 159, Section 24, SLH 2001.

Gov. Msg. No. 209, dated February 18, 2003, transmitting the Annual Financial Report of the Newborn Metabolic Screening Special Fund, prepared by the Department of Health pursuant to Section 321-291, HRS.

**STANDING COMMITTEE REPORTS**

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 575) recommending that S.B. No. 157, as amended in S.D. 1, pass Second Reading and be recommitted jointly to the Committee on Health, the Committee on Labor and 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. 157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was recommitted jointly to the Committee on Health, the Committee on Labor and the Committee on Commerce, Consumer Protection and Housing.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 576) recommending that S.B. No. 255, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, and Agriculture.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was recommitted to the Committee on Water, Land, and Agriculture.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 577) recommending that S.B. No. 1394, as amended in S.D. 1, be recommitted 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. 1394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was recommitted to the Committee on Ways and Means.

**ORDER OF THE DAY**

**RE-REFERRAL OF SENATE BILL**

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

Senate Bill                      Referred to:

No. 503, S.D. 1              Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, and Agriculture, the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means

**REFERRAL OF HOUSE BILL**

**MATTER DEFERRED FROM  
TUESDAY, FEBRUARY 18, 2003**

The President made the following committee assignment of a House bill received on Tuesday, February 18, 2003:

House Bill	Referred to:
No. 564	Committee on Judiciary and Hawaiian Affairs

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 o'clock a.m.

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

"Mr. President, I didn't realize that this was actually going to be the last day before the commencement of the legislative recess, so I rise on a point of personal privilege.

"Today is our last session day before the legislative recess so I'd like to take a moment to quote from a speech recently delivered by U.S. Senator Robert Byrd on Wednesday, February 12, to give us something to contemplate as we go forward in our communities and talk to our constituents. Last Wednesday he stated:

"To contemplate war is to think about the most horrible of human experiences. On this February day, as this nation stands at the brink of battle, every American on some level must be contemplating the horrors of war. Yet, this Chamber is, for the most part, silent – ominously, dreadfully silent. There is no debate, no discussion, no attempt to lay out for the nation the pros and cons of this particular war. There is nothing.

"To engage in war is always to pick a wild card. And war must always be a last resort, not a first choice."

"On the other hand, we in the Hawaii State Senate, still have time for discussions on this issue to lay out the pros and cons of this particular war as we consider its likely effects upon the State of Hawaii. Yesterday marked the introduction of S.C.R. No. 21, which I urge all my colleagues to review and to seek a speedy hearing upon.

"Thank you."

Senator Hemmings rose on a point of personal privilege and added:

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

"Mr. President, colleagues, our nation is at war. More people died in 9/11 than died at Pearl Harbor. We are battling a war unseen in the history of human kind – a war against an insidious, hidden, stealth enemy without a nation. We have a country and a President that has stood tall against tyranny around the world. Muslims in Kosovo have been saved from a tyrant who is murdering them because America stood tall. People have been liberated from tyrannical rules. The Berlin wall fell – hundreds of millions were liberated from a totalitarian regime because America had the courage to stand tall and fight for freedom and justice of others.

"At this time, this Legislature should take a strong stand against a satanical man who has murdered his own people, against a man who has taken untold billions from his country and put it in his own bank account, against a man who has been

proven by our intelligence to have supported and aided and abetted an enemy who struck down the twin towers of 9/11.

"I agree with the previous speaker. It's time for Americans to unite and take a stand and hopefully this Legislature will take a stand in defense of America and freedom-loving people all over this nation and world.

"I find it incredible that there are those in this nation who in exercising their rights, which I support, would challenge the integrity of our national leadership while giving the benefit of a doubt to Saddam Hussein. I hope this Legislature does take a stand – a stand in favor of freedom.

"Thank you, Mr. President."

Senator Chun Oakland also rose on a point of personal privilege and said:

"Mr. President, I also stand on a point of personal privilege.

"Similar to the previous speakers, I agree with the points that have been made. The United Nations declared this decade, 2000-2010, as the international decade for a culture of peace and nonviolence for the children of the world, urging all people and all levels of government to seek nonviolent approaches to conflict resolution and wider education about international law and alternatives to war. I do hope, as we discuss this very important matter, that we do teach our children to love and to reconcile our differences with respect and diplomacy and, to the extent that the Senator from the Windward Side indicated that there are people that do not act that way, that we do best to demonstrate it.

"I do hope that we do not go to war. It does no one good. I do want to protect the people that have been wronged. I just hope we can offer the best support we can to the President, to our Congress, and to the United Nations.

"I do hope that as we discuss this Senate Concurrent Resolution that we remember the impacts that previous wars have had on our nation and on the world. We still deal with the fallout from all of that. I see it in the Committee – matters that come before Human Services – with our veterans, with the families that have been touched in some way, and I know whatever decision we make, we have to take it very seriously. My hope is that the President and Congress will, but that we look at our allies as well to achieve the best outcome.

"Thank you, Mr. President."

Senator English rose on a point of personal privilege and stated:

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

"Mr. President, members, S.C.R. No. 21 lays out a number of reasons that our country should rise above what is happening in the world and provide a path out of madness. We are urging, in this resolution, the President not to preemptively start a war with Iraq and not to go outside of the bounds of the international community and act unilaterally.

"Mr. President, members, this past weekend on Maui there was an anti-war demonstration. More than 1,000 people, all walks of life, gathered at Maui Community College to express this desire for peace and their hopes that we can settle our differences without bloodshed.

We have to realize that sometimes there's great evil in the world and sometimes that great evil must be met head on. And

if that be the case, then let the international community decide this and let the international community move in one united front, not the United States acting alone. So we are asking, pleading, with the national leadership – the President, Congress – that we find the path to peace and not go down the road of utter destruction.

“When this Senate Concurrent Resolution is presented on the Floor to be sent to Committee or perhaps voted upon here, I urge all of my colleagues to consider this very carefully: that Hawai‘i has always stood for peace and that these islands have not stood for war. The last wars in these islands . . . now, we’ve been invaded and attacked, yes, but the last wars in these islands were the wars of unification almost 200 years ago.

“It would be a sad day if we again bring this idea of war back to Hawai‘i when we have such great potential for peace. Thank you, Mr. President.”

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

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

“I didn’t realize we were going to get into a debate on S.C.R. No. 21 today, but since the debate has begun, let me add a few of my comments as well.

“I think some of our colleagues are missing the point that was made so eloquently by the Senate Minority Leader, and that is that we are in fact at war and have been. And whether you like it or not, whether you admit it not, it happens to be a fact.

“It’s also a fact that we have committed American troops, men and women, people from this State. If you want to talk about love for peace, there is no greater love for peace than anyone in the military – man or woman. They don’t want to be separated from their families. They don’t want to be put in harms way, but they accept the responsibility and the duty.

“When we talk about protest, in the past we’ve conveniently talked about anti-war demonstrations which would lead people to believe that the other side would be pro-war. I don’t remember seeing any pro-war demonstrations, but I do remember seeing demonstrations in support of our military men and women once committed, or to redress wrongs that have been done against this nation and peoples around the world.

“Likewise, I don’t remember any protest against Saddam Hussein, against Afghanistan, against what’s happened in the countries in Eastern Europe and Asia. The people that call for peace are strangely quiet and very selective in how they define that peace. Peace – certainly; but, peace at any price – never.

“And war is a terrible thing, but there’s one thing worse than war and that’s enslavement and death. And at this very critical time and in this very critical and pivotal state, we have choices, and one choice is to support those men and women that are on the front lines right now and more that will join them. Hopefully, armed conflict can be averted, but it’s not going to be averted by the international community or the United Nations. The safest place you could be in this world would be inside the United Nations building in New York City because those that do war against the United States, those that plan terrorism as we sit here find sustenance and comfort in the United Nations.

“And when has the international community supported the United States for any of its humanitarian or other efforts that it’s made? The international community is made up of people who would like to see the United States fall economically,

politically, socially. We are part of the government of the United States, and as such, we have a responsibility also, and I, for one, will not defer or confer responsibility to the United Nations or to the international community. Our responsibility is with our community here, all in the community including our military.

“And so, Mr. President, we all hope and we pray for a solution other than war, other than armed violence. But if it comes and if that is the alternative, I would hope that my colleagues would take a very strong and very clear position in support of our men and women and in our country.

“Thank you, Mr. President.”

Senator Hooser rose on a point of personal privilege and said:

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

“I’d like to state for the record that I’m not here to debate any issue at all, but to state a position and a feeling and a value. I would also like to say that I’m personally offended by an implication or insinuation that one who speaks for peace is somehow speaking against our men and women in the armed forces. My father served in Vietnam and in the Korean War. My uncle served in World War II, and both of them would be proud to have me standing here today speaking on behalf of peace.

“This past weekend, millions of people from around the world, from all communities and most countries, including my own community, stood and talked and marched for peace. I stand here today to add my voice to stand tall with those people to speak for peace, to stand with those people, to stand with the State of Maine and their Legislature, to stand with the city councils of over 90 cities across our nation including Atlanta, Philadelphia, Chicago, and Detroit, all of whom are saying they want peace. They don’t want preemptive strikes; they don’t want unilateral action; they want to work for peace.

“I stand today to encourage other citizens from around our nation, from around this world, and other Legislators to also take a stand for peace and for a rational approach to peace in the Mid-East.

“I stand today, finally, to encourage our President and our nation to take a deep breath and to resist, once again, unilateral action and preemptive action and to join with our friends and allies from around the world and work toward a peaceful resolution to what otherwise will surely mean the loss of tens if not hundreds of thousands of lives and launch us down a pathway that we don’t know where that end will be.

“Thank you.”

Senator Baker rose to speak on a point of personal privilege and stated:

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

“Mr. President and colleagues, I want to associate myself with the remarks of a fellow neighbor islander, the good Senator from Kauai. I think it is time for us to have the discussion, to raise our voices and to let it be known that we support our men and women in the military, but we don’t do it blindly. We need to have the discussion about what is the best course for this country, what’s the best course for our economy.

“I’m a Vietnam era child. I grew up and matured during that particular, very difficult conflict. I was in Washington, D.C., at

the time and saw how divisive the debate can be, but the debate needs to happen, nevertheless. If we don't take a stand, if we don't let others know what our convictions are, then we run the risk of our government blindly going forward without the credibility of international support that such action needs and deserves. Additionally, after there is a military victory in Iraq, we will need to secure the peace and we need to be vigilant to ensure that we go after, successfully, terrorist networks like Al-Qaeda. And we cannot do what is required without a united effort and a united front.

"So, therefore, Mr. President, I'm delighted to stand with my colleagues who have spoken before me in supporting S.C.R. No. 21. To recall a watch phrase from an earlier era, let's definitely give peace a chance, but if we must move toward war, let's not go it alone.

"Thank you."

Senator Hogue rose to speak on a point of personal privilege and stated:

"Mr. President, I also stand on a point of personal privilege.

"I stand for peace. But, Mr. President, I also stand behind our President. I am glad we're having this debate. It's an important debate. I, as a father, want peace in our world and I believe that we can have peace if we stand tall behind our President and we stand strong.

"Because we're having debate, because we're having descent does not mean that we are moving ahead blindly. The leaders of our nation have reached deep down inside and the international intelligence community has determined that this course of action is the right course of action. I stand behind that decision-making. They have acquired intelligence which has led us to this course of action.

"I know that as a parent there are times when you have to shed a few tears and you have to take the compassionate stand, but I know that there are times as a parent when you have to be compassionate by taking a very strong stand. We, as a nation, will take a peaceful course by taking a very strong stand at this time. I hope it's a peaceful course, but in the end, if we have to go to war, I stand behind the President.

"Thank you very much, Mr. President."

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

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

"Mr. President, you and I know what it took to go into the Vietnam War. I know I volunteered; I also volunteered to fly the missions that we flew out there.

"What was most disheartening was the fact that as we flew in Laos, Cambodia, North Vietnam, people were denying that we were there! I remember President Nixon saying, 'No, we're not in Laos,' and I already had 50 missions in Laos. Men were dying running their airplanes into the ground, getting shot up, but yet our President was there denying that fact that we were there. It hurts for doing our jobs for the love of our country and being denied by the President and the people that we were there for.

"I just know that when we went to war, we had intelligence, the background why we were there and what we were doing it for. As we sit here, we don't have the intelligence, we don't have the background, we don't have the knowledge of what's

right and what's wrong. Sure we have the people out demonstrating, but we don't know why the President is making those decisions and the pressure he is under making those decisions.

"But, I know one thing I ask the people of Hawaii and you, first of all, is to think about our men and women who are out there in harms way sacrificing their lives – not their words, but their lives. Think about them before we make any big decisions on resolutions.

"Thank you."

**ADJOURNMENT**

At 12:15 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 27, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate