

## FORTY-SEVENTH DAY

**Thursday, April 6, 2000**

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by The Reverend Dr. Tom Fujita, Nuuanu Congregational Church, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Iwase and Matsuura who were excused.

The President announced that he had read and approved the Journal of the Forty-Sixth Day.

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

Senator Chun Oakland commended The Queen's Medical Center on the opening of its Same Day Surgery Center and introduced the following individuals: Connie Black, chairperson of The Queen's Medical Center's Board; Arthur Ushijima, president and CEO of The Queen's Medical Center; Trudy Hutto, R.N., manager, Same Day Surgery; Arlene Okumo, R.N., staff nurse, Surgical Services; and Gina Young, R.N., manager, Surgical Services.

Senator Sakamoto then introduced Glenn H. Higuchi and congratulated him on being the recipient of the prestigious Moreell Medal Award for 1999, a national award given annually by the Society of American Military Engineers to one member of the Civil Engineer Corps of the United States Navy for superior performance and the highest degree of professional engineering leadership, enthusiasm, technical expertise, and judgment. Accompanying Mr. Higuchi was his wife, Leatrice, and son, Colin.

Senator Sakamoto, on behalf of Senator D. Ige and himself, then introduced Rear Admiral Charles R. Kubic, Commander, Pacific Division, Naval Facilities Engineering Command at Pearl Harbor and Commander of the Third Naval Construction Brigade at Pearl Harbor. Accompanying Admiral Kubic were Captain Khalid C. Khan, Assistant Commander for Field Operations, Pacific Division, Naval Facilities Engineering Command; and Lieutenant Commander Ian C. Lange, Resident Officer in Charge of Construction at the Marine Corps Base Hawaii.

At this time, the President appointed Senators Sakamoto, D. Ige and Anderson to escort Rear Admiral Charles Kubic to the rostrum to address the members of the Senate.

Admiral Kubic addressed the members of the Senate and their guests as follows:

"Thank you, Mr. President, especially for inviting me as a representative of the United States Navy to address Hawaii's Senate Chambers today. It is my pleasure to address the members of the Senate of the Twentieth Legislature as you recognize one of our own, Mr. Glenn Higuchi, the Navy's 1999 Moreell Medal recipient.

"In the Navy, we're all very proud of Mr. Higuchi's personal achievements, and they are truly representative of the overall outstanding contributions of the Naval Facilities Engineering Command, Pacific Division, known as PACDIV, and the Seabees of the Third Naval Construction Brigade.

"In a typical year, PACDIV plans and constructs \$600 million to \$800 million of new facilities throughout Hawaii and the Pacific. We maintain, as you heard earlier, a very large shore infrastructure valued at over \$17 billion.

"Every year we stop and try to recognize at least one individual who represents the very best of a large number of people serving the Navy in our nation ashore in maintaining these type of facilities. The Admiral Ben Moreell Medal is given annually by the Society of American Military Engineers to an officer of the Navy Civil Engineering Corps or a civilian for outstanding contributions to military engineering. We've been giving this award for decades and we really only have had four civilians -- two from Hawaii -- so it's a very distinguished honor that Mr. Higuchi is receiving.

"Admiral Moreell was a very important Civil Engineer Corps officer in the history of our Navy. He was the Chief of the Bureau of Yards and Docks during World War II. Additionally, he was the officer in the United States Navy who created the Navy Seabees and empowered the Navy Civil Engineer Corps to command this combat construction force.

"One of the many reasons Mr. Higuchi is being honored today is for his leadership and coordination of the closing of the Naval Air Station, Barbers Point, and the completion of the construction program at the Marine Corps Base, Kaneohe. As you heard earlier, this was a huge multi-million dollar construction program. He did this, really, in the finest tradition of Admiral Ben Moreell and the standards that he was judged against -- not against one or two, but dozens of very highly competitive candidates from around the world -- really speaks highly of his accomplishments.

"The Navy Civil Engineer Corps is honored that State Senator Norman Sakamoto from the 16th District will present the Senate certificate as he himself is also a licensed professional engineer. Glenn Higuchi has been and continues to be an inspirational leader on my Pacific Division team. I personally and very sincerely congratulate him for receiving the Admiral Ben Moreell Medal, a distinction he richly deserves.

"On behalf of the United States Navy, the Civil Engineer Corps and our nation's Fighting Seabees, I also want to thank the people of Hawaii as represented by their Legislature for recognizing Mr. Higuchi's tremendous achievements.

"Thank you and Mahalo."

At 12:03 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 o'clock p.m.

#### MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 269, informing the Senate that on April 4, 2000, he signed the following bills into law:

House Bill No. 2762 as Act 4, entitled: "RELATING TO ISLAND BURIAL COUNCILS";

House Bill No. 2551 as Act 5, entitled: "RELATING TO THE CORRECTION OF THE APPLICABLE FISCAL YEAR FOR THE APPROPRIATION TO BE EXPENDED BY THE DEPARTMENT OF HEALTH IN SECTION 6 OF ACT 304, SESSION LAWS OF HAWAII 1999"; and

House Bill No. 2022 as Act 6, entitled: "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,"

was read by the Clerk and was placed on file.

**STANDING COMMITTEE REPORTS**

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3198) recommending that H.B. No. 286, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3198 and H.B. No. 286, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPEEDING," was deferred until Tuesday, April 11, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3199) recommending that H.B. No. 1759, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3199 and H.B. No. 1759, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ENFORCEMENT," was deferred until Tuesday, April 11, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3200) recommending that H.B. No. 1873, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3200 and H.B. No. 1873, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3201) recommending that H.B. No. 2492, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3201 and H.B. No. 2492, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3202) recommending that H.B. No. 2062, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3202 and H.B. No. 2062, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3203) recommending that H.B. No. 2066, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3203 and H.B. No. 2066, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACILITIES USE REVOLVING FUND," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3204) recommending that H.B. No. 2432, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3204 and H.B. No. 2432, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDIT," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3205) recommending that H.B. No. 1691, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3205 and H.B. No. 1691, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Friday, April 7, 2000.

Senators Fukunaga and Levin, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3206) recommending that H.B. No. 2457 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3206 and H.B. No. 2457, entitled: "A BILL FOR AN ACT RELATING TO VETERANS LOANS," was deferred until Friday, April 7, 2000.

Senator D. Ige, for the Committee on Education and Technology, presented a report (Stand. Com. Rep. No. 3207) recommending that H.B. No. 2495, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2495, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 2000.

Senator Tam, for the Committee on Government Operations and Housing, presented a report (Stand. Com. Rep. No. 3208) recommending that S.R. No. 60, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 60, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO REVIEW CURRENT TELEPHONE USAGE AND TO DETERMINE WHETHER DEPARTMENTAL GUIDELINES NEED TO BE ESTABLISHED," was referred to the Committee on Ways and Means.

Senator D. Ige, jointly with Senators Chumbley and Matsunaga, for the Committee on Education and Technology and the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3209) recommending that S.C.R. No. 123 be adopted.

On motion by Senator Chun, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO COMPLY WITH EXISTING LAW AND REGULATIONS TO PREVENT THE EMPLOYMENT OF PERSONS WITH CRIMINAL CONVICTIONS IN POSITIONS WHICH PLACE THEM IN CLOSE PROXIMITY TO CHILDREN," was adopted.

**ORDER OF THE DAY****THIRD READING**

H.B. No. 2020:

On motion by Senator Chumbley seconded by Senator Matsunaga and carried, H.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Matsuura).

H.B. No. 2021:

On motion by Senator Chumbley seconded by Senator Matsunaga and carried, H.B. No. 2021, entitled: "A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995; AND TO ACT 278, SESSION LAWS OF HAWAII 1999," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Iwase, Matsuura).

**RE-REFERRAL OF  
HOUSE CONCURRENT RESOLUTION**

The Chair re-referred the following House concurrent resolution that was received:

House  
Concurrent  
Resolution

Referred to:

No. 94, H.D. 1      Committee on Economic Development

Senator D. Ige, for the Committee on Education and Technology, requested a waiver of the 48-hour Notice of a Public Hearing for S.C.R. Nos. 14 and 166, and the Chair granted the waiver.

Senator Chumbley, for the Committee on Judiciary, requested a waiver of the 48-hour Notice of a Public Hearing for H.B. No. 2618, and the Chair granted the waiver.

Senator Fukunaga, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for the following House bills:

H.B. No. 2354;  
H.B. No. 2404;  
H.B. No. 2438;  
H.B. No. 2554;  
H.B. No. 2572;  
H.B. No. 2624; and  
H.B. No. 2878,

and the Chair granted the waiver.

At 12:19 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

**ADJOURNMENT**

At 12:22 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 7, 2000.