

EIGHTEENTH DAY

Wednesday, February 18, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:47 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Elwin Ahu, New Hope Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senators English and Menor who were excused.

The President announced that he had read and approved the Journal of the Seventeenth Day.

At 12:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:08 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 152, submitting for consideration and consent, the nomination of TED H.S. HONG to the office of Judge, Circuit Court of the Third Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was read by the Clerk and was referred to the Committee on Judiciary and Hawaiian Affairs.

STANDING COMMITTEE REPORTS

Senators Menor and Ige, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Science, Arts, and Technology, presented a joint report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 2382, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2382, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 2088, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2088, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2399, as amended in S.D. 1, pass Second Reading and be referred 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. 2399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY AMBULANCE SERVICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2077) recommending that S.B. No. 2473 pass Second Reading and be referred 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. 2473, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2078) recommending that S.B. No. 2578 pass Second Reading and be referred 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. 2578, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR REHABILITATION HOSPITAL OF THE PACIFIC," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2585, as amended in S.D. 1, pass Second Reading and be referred 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. 2585, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2592, as amended in S.D. 1, pass Second Reading and be referred 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. 2592, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2604 pass Second Reading and be referred 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. 2604, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2721, as amended in S.D. 1, pass Second Reading and be referred 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. 2721, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2792 pass Second Reading and be referred 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. 2792, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2889 pass Second Reading and be referred to 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. 2889, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2746, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2746, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HABITUAL OPERATION OF A VEHICLE UNDER THE INFLUENCE OF AN INTOXICANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2995, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2995, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kawamoto and Hanabusa, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 3186 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was

adopted and S.B. No. 3186, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED EXPENDITURES OF PUBLIC FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Hanabusa, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 2314, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2314, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SEXUAL ASSAULT NURSE EXAMINERS PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2089) recommending that S.B. No. 2176 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2176, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2090) recommending that S.B. No. 2917, as amended in S.D. 1, pass Second Reading and be referred 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. 2917, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXABLE INCOME," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 3213, as amended in S.D. 1, pass Second Reading and be referred 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. 3213, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE MAINTENANCE OF THE WEST HAWAII VETERANS CEMETERY IN THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2136, as amended in S.D. 1, pass Second Reading and be referred 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. 2136, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2445, as amended in S.D. 1, pass Second Reading and be referred 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. 2445, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A NEW SUBSTANCE ABUSE TREATMENT FACILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B. No. 2976 pass Second Reading and be referred 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. 2976, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 3084, as amended in S.D. 1, pass Second Reading and be referred 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. 3084, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kim, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2395, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs, with Senator Ihara voting "aye, with reservations."

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2089 pass Second Reading and be referred 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. 2089, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR MAALAEA HARBOR IMPROVEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2125 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 2130, as amended in S.D. 1, pass Second Reading and be referred 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. 2130, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2220, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and S.B. No. 2220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2249 pass Second Reading and be referred 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. 2249, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2280 pass Second Reading and be referred 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. 2280, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A LOCAL FLOOD WARNING SYSTEM FOR LAKE WILSON," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2414, as amended in S.D. 1, pass Second Reading and be referred 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. 2414, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2416, as amended in S.D. 1, pass Second Reading and be referred 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. 2416, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE AGRICULTURAL WATER DISTRIBUTION SYSTEM, UPCOUNTRY KULA, MAUI," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2438, as amended in S.D. 1, pass Second Reading and be referred 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. 2438, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK MONITORING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2440 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2441 pass Second Reading and be referred 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. 2441, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2467, as amended in S.D. 1, pass Second Reading and be referred 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. 2467, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR MANELE SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2468 pass Second Reading and be referred 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. 2468, entitled: "A BILL FOR AN ACT RELATING TO THE MOLOKAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2472 pass Second Reading and be referred 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. 2472, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2516, as amended in S.D. 1, pass Second Reading and be referred 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. 2516, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE EXPANSION OF THE KAHUKU AGRICULTURAL PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2521, as amended in S.D. 1, pass Second Reading and be referred 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. 2521, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY TO MAKE IMPROVEMENTS TO HEEIA KEA BEACH PARK," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2113) recommending that the Senate consent to the nomination of WILLIAM A. CARDWELL to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2113 and Jud. Com. No. 1 was deferred until Thursday, February 19, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2114) recommending that the Senate consent to the nomination of CHRISTINE E. KURIYAMA to the office of Judge, District Family Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the

Hawaii State Constitution, and in accordance with Jud. Com. No. 2.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2114 and Jud. Com. No. 2 was deferred until Thursday, February 19, 2004.

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. 2495, S.D. 1 Committee on Economic Development, then to the Committee on Ways and Means

REFERRAL OF HOUSE BILL

MATTER DEFERRED FROM TUESDAY, FEBRUARY 17, 2004

The President made the following committee assignment of a House bill received on Tuesday, February 17, 2004:

House Bill Referred to:

No. 1797 Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

Senator Kokubun, Vice Chair of the Committee on Energy and Environment, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 3160.

Senator Kokubun noted:

“Mr. President, this bill establishes standards and guidelines for toxic mold exposure, and your Committees on Energy and Environment and Health held a joint hearing on this bill yesterday afternoon.”

The Chair then granted the waiver.

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

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

“Mr. President, I was disturbed to read the lead story in the morning Advertiser – ‘Anti-crime project cash-strapped; future of weed & seed program uncertain.’

“What is most upsetting is that the Lingle Administration is not supporting Weed & Seed. The program works! For the Kalihi-Palama-Chinatown site, major felonies dropped from 3,498 in 1977 to 1,167 in 2002 – a 67 percent decline. Drug offenses dropped a whopping 89 percent from 2,196 in 1997 to 246 in 2002.

“Weed & Seed programs have brought an innovative approach to a long-standing law enforcement problem. It’s not enough to ‘weed’ out the criminal element – we also need to sow the ‘seeds’ that bring new life to a community and turn it into one that is no longer just a breeding ground for crime.

“Under Weed & Seed, career criminals and repeat drug offenders are targeted. Convicts face harsher penalties and federal prison time. When these convicts are sentenced to a federal prison, they do not under any circumstances get released

early or parole. This is one tremendous advantage over the State’s overcrowded prison system. Under Weed & Seed, a convict can be barred from re-entering a Weed & Seed site for a designated number of years. If the convict disregards this and returns to the Weed & Seed site, the convict can be immediately arrested. This is another feature of Weed & Seed that helps the law enforcement community.

“Establishing a Weed & Seed site requires the mobilization of the community. Government doesn’t decide where to initiate a site; community members must step forward and get actively involved in preparing the application.

“Weed & Seed sites have been established at Waipahu, Ewa Beach and Kalihi/Palama/Chinatown – which has been expanded to include the Ala Moana/Kaheka area and Kalihi Valley. The state has also submitted applications for two more sites – Waianae on Oahu and Pahoehoe on the Big Island.

“There are 351 sites nationwide – only 170 have received federal money. Congressman Ed Case was quoted in this morning’s article, ‘it is a very popular program. There is no question that the Bush Administration has been unable to match the funding to the demand.’

“The program has support from both political parties and from all levels of government and law enforcement. U.S. Attorney Ed Kubo said, ‘sustaining interest, activism and involvement is difficult and crucial to the program’s success.

“Darrlyn Bunda, Executive Director of the Waipahu Community Association, sums it up best. I’m quoting, ‘It always amazes me that when we have successful programs, they are not adequately funded so that they can do the work that they were intended to do. Some programs are not as far-reaching receive funding. Sometimes I wonder about the priorities.’

“In order to address the ice epidemic, Hawaii will need a multi-pronged approach that is actively supported by all levels of government and the community. However, in developing a statewide mobilization effort to eradicate Hawaii’s ice epidemic, the Lingle Administration has chosen not to use the Weed & Seed program as part of its strategy. I ask my colleagues to wholeheartedly support Weed & Seed and hopefully, the Governor’s Administration will join the rest of the community behind one of government’s most successful programs.

“Thank you.”

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

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

“I most appreciate the dissertation you just heard by the previous speaker, especially when it brings home the point that the Lingle Administration has been trying to make regarding the ice epidemic, and that simply is that rehabilitation by itself, without the hammer of incarceration and penalties and law enforcement is very ineffective. I find it quite hypocritical for the Majority Party to be politicizing this issue on the Floor without recognizing that the Lingle Administration and your House and Senate Minority supports rehabilitation where it will work, combined with the effective hammer that Weed and Seed, the drug court, provides in making rehabilitation work. But the Majority Party has chosen to advocate through 21.6 million additional dollars to the millions that are already being spent on rehabilitation, without Weed and Seed and drug court incentives to make those addicted to drugs make a hard choice.

“This hypocrisy of throwing more money at a problem, without accountability, seems to be the modus operandi of the Majority Party for the last 30 years. And if you want to get political about this issue, we’re ready. The Lingle Administration is trying to change the way we’ve done things in the State for years, and I’m damn proud of what she’s doing.

“Pouring more money into public education, for instance, has not solved the problem. Pouring more money into rehabilitation alone will not solve the problem. I’m most pleased you have brought this up. We’re ready for you.

“A slogan that I think is in the talking points of the Majority Party is that the Lingle Administration wants to do more with less, something that we in the private sector and our families have to do all the time. But that seems to fly in the face of the Majority Party’s long-standing practice of doing less with more.

“Let’s try to be balanced. We’re willing to sit here and work with you, but we’re not willing to sit here and take political abuse at the expense of the people.

“Thank you, Mr. President.”

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

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

“I just wanted to bring some good news and to reassure my colleague from Makakilo. I did not read the article in the Advertiser. I know that the Advertiser tries very hard but usually doesn’t get the stories right and I know there’s a nexus between the Majority Party and the Honolulu Advertiser. I noticed that there was nothing, no direct quotes from the Governor in that article that was mentioned.

“But let me reassure my colleagues that I did listen to the Governor on KHVH Radio this morning at approximately 7:42 a.m. when the question was asked about the Weed & Seed program, and the Governor herself responded to the question saying that, first of all, if Congressman Case or anyone else had a difficult situation with the national congress, and they are in the national congress, then they should use their expertise to in fact get funds from the federal government, but if in fact federal funds were short or were not forthcoming, that she, Governor Lingle, said that the Weed & Seed program was a community asset, was taken into consideration with other options that the Minority Leader had just mentioned, that she would be very happy to continue to support it and would find state funding for it.

“So, I think if we’re going to quote the Governor, maybe we should actually quote the Governor, and that’s what the Governor said this morning. Check the record on KHVH.

“Thank you, Mr. President.”

Senator Kanno rose again and said:

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

“I’d like to request that the former speaker follow-up, please, and inquire with the Governor if she will be sending down a governor’s message supporting the half-a-million dollar appropriation being requested for Weed & Seed. All records indicate that she is not supporting the appropriation if it displaces any of her budget. She has not included Weed & Seed in the budget.

“In regards to the comments from the Senator, I’d like to add that Weed & Seed is a proven crime reduction strategy. It

works, and I hope that the administration is not supporting any efforts to reinvent the wheel when we have a proven mechanism that has worked in our community in high crime areas. We hope that the Governor will come down with an emergency message to support their funding request and have that included in her budget, which has not been included at this time.

“Thank you.”

Senator Hemmings rose again and said:

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

“I’m very pleased to look across the aisle at the hand to cooperate on this issue, and your loyal opposition, your Minority Party, will be more than happy to consult with the Governor on finding appropriations to support Weed and Seed. Likewise, I hope that you will put in your ominous bill where you’re spending \$21.6 million on rehabilitation that you find the \$500,000 out of those funds to fund Weed and Seed and we’ll all be happy.

“Thank you.”

ADJOURNMENT

At 12:21 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 19, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate