

TWENTY-SECOND DAY

Tuesday, February 24, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Hiromi Kawaji, Aiea Hongwanji Mission, after which the Roll was called showing all Senators present with the exception of Senators Aduja, Hogue, Kokubun, Sakamoto and Whalen who were excused.

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

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 345 to 353) were read by the Clerk and were placed on file:

Gov. Msg. No. 345, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2921, which appropriates \$7,417,636 in emergency general funds for FY 2003-2004 for the Department of Education to enable payment of collective bargaining increases for bargaining units 1 and 5.

Gov. Msg. No. 346, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2941, which makes an emergency appropriation of \$3,055,896 for FY 2003-2004 for the payment of claims against the State.

Gov. Msg. No. 347, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2953, which makes an emergency appropriation of \$14,000,000 for FY 2003-2004 for the Hawaii Health Systems Corporation.

Gov. Msg. No. 348, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2976, which appropriates \$2,001,986 in emergency general funds for FY 2003-2004 to alleviate overcrowding in Hawaii's correctional facilities.

Gov. Msg. No. 349, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2872, which appropriates \$1,000,000 in emergency funds for the State Disaster Revolving Loan Fund.

Gov. Msg. No. 350, letter dated February 9, 2004, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2829, which makes an emergency appropriation for risk management and increases the spending ceiling of the State Risk Management Revolving Fund.

Gov. Msg. No. 351, dated February 20, 2004, transmitting the 2004 Report of the Executive Salary Commission pursuant to Act 122, SLH 2003, amending Chapter 26, HRS.

Gov. Msg. No. 352, dated February 13, 2004, transmitting the Department of Business, Economic Development and Tourism's Annual Report for 2003, pursuant to Section 201-10, HRS.

Gov. Msg. No. 353, dated February 20, 2004, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for the Fiscal Year Ended June 30, 2003, prepared by the Comptroller pursuant to Section 40-5, HRS.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 26, from the Department of Transportation dated February 18, 2004, transmitting a letter informing the Senate the department will not prepare a report pursuant to S.R. No. 22 (2003) due to the low number of major traffic accidents over the years 2000-2002, was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORT

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2507) recommending that S.B. No. 195, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
No. 2233	Jointly to the Committee on Energy and Environment and the Committee on Transportation, Military Affairs, and Government Operations
No. 2333	Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs
No. 2519	Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Hawaiian Affairs
No. 2994	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means

THIRD READING

MATTER DEFERRED FROM
MONDAY, FEBRUARY 23, 2004

S.B. No. 3125, S.D. 1:

At this time, the President made the following announcement:

“S.B. No. 3125, S.D. 1, will be recommitted to the Committee on Education so that we can work on a constitutional amendment. We will re-refer it to the Committee on Judiciary.”

Senator Hemmings rose to speak on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege and I would like to have some remarks entered into the Journal regarding this issue.

“Mr. President, this is a blatant attempt to arrest power from the Governor and the executive branch of government and vest it over to the legislative branch of government. It probably is one of the most blatant attempts in recent years. It seems the system worked, in the eyes of the people controlling the State, well for 40 years, and now that they no longer control the executive branch of government, let’s change the rules.

“Mr. President, there was testimony, I believe, at the committee hearing that this bill was unconstitutional. Nevertheless, it was passed out on the Floor today – irresponsibly, in my opinion – and now it has to be recalled. It’s this type of machinations, political machinations for blatant political purposes, that really interferes with the people’s ability to have any faith in what is being done here at the Legislature.

“I would suggest in referring this back to Committee that you no longer waste our time and the people of Hawaii’s time and let this die in Committee where it should.

“Thank you, Mr. President.”

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

“Mr. President, if I could rise for a point of personal privilege, please.

“Just a brief note on the prior comments. This bill represents the official position of the national organization of governing bodies of colleges and universities around the nations, of which the University of Hawaii is a part of. They sent a great letter supporting the bill and the concept.

“There was no opposition, whatsoever, in testimony of that Committee, and the bill, by all the testimony that was submitted, including the national organization, said this is a great step toward increasing the quality and professionalism of the university.

“I look forward to following it through the process. Thank you.”

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

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

“Just so that we are all in sync here, we all took an oath to uphold the Constitution of the State of Hawaii. And the Constitution of the State of Hawaii, irrespective of any other organization’s wishes, wants, desires or pleas, is very clear on this matter of the separation of powers. We make speeches all the time about separation of powers, but it seems this year there are a dozen bills that would attempt to take away the powers of the Chief Executive. It’s very interesting that for the past 40

years prior to this time, there were no attempts, no letters, no support, no desire whatsoever to make any changes. I’m all for change, Mr. President, but if we’re going to do it, I would observe that maybe the sponsors should read the bills more carefully and certainly read and abide by the State Constitution.

“Thank you.”

By unanimous consent, S.B. No. 3125, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was recommitted to the Committee on Education.

RE-REFERRAL OF SENATE BILL

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

Senate Bill	Referred to:
No. 3125, S.D. 1	Committee on Judiciary and Hawaiian Affairs

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM MONDAY, FEBRUARY 23, 2004

The President made the following committee assignments of House bills received on Thursday, February 19, 2004:

House Bill	Referred to:
No. 2683 Affairs	Committee on Judiciary and Hawaiian Affairs
No. 2685 Affairs	Committee on Judiciary and Hawaiian Affairs
No. 2689 Affairs	Committee on Judiciary and Hawaiian Affairs

ADJOURNMENT

At 12:08 o’clock p.m., on motion by Senator Kawamoto, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Wednesday, February 25, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate