

FORTIETH DAY

Wednesday, March 31, 2004

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2004, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Stefanie Sakamoto-Sato, Office of Senator Shan Tsutsui, after which the Roll was called showing all Senators present with the exception of Senators Ige and Ihara who were excused.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

At 11:56 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

HOUSE COMMUNICATION

Hse. Com. No. 312, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2206, H.D. 1 (S.D. 1);
H.B. No. 2337, H.D. 1 (S.D. 1); and
H.B. No. 2280 (S.D. 1),

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senators Menor and Baker, for the Committee on Commerce, Consumer Protection and Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3076) recommending that S.C.R. No. 27 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3076 and S.C.R. No. 27, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR FEDERAL LEGISLATION AUTHORIZING THE IMPORTATION OF PRESCRIPTION DRUGS," was deferred until Thursday, April 1, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3077) recommending that H.B. No. 2196, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2196, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3078) recommending that H.B. No. 2375, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2375, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," passed

Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3079) recommending that H.B. No. 2378 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 H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3080) recommending that H.B. No. 2379, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2379, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TESTIMONY," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3081) recommending that H.B. No. 2380, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2380, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3082) recommending that H.B. No. 2685 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 H.B. No. 2685, entitled: "A BILL FOR AN ACT RELATING TO BAIL JUMPING," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3083) recommending that H.B. No. 2689 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 H.B. No. 2689, entitled: "A BILL FOR AN ACT RELATING TO STALKING," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways

and Means, presented a joint report (Stand. Com. Rep. No. 3084) recommending that H.B. No. 2300, H.D. 1, 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 H.B. No. 2300, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3085) recommending that H.B. No. 1800, H.D. 1, 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 report of the majority of the Committee was adopted and H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3086) recommending that H.B. No. 2796, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3086 and H.B. No. 2796, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Friday, April 2, 2004.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3087) recommending that H.B. No. 2743, H.D. 2, 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 report of the majority of the Committee was adopted and H.B. No. 2743, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Sakamoto and Taniguchi, for the Committee on Education and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3088) recommending that H.B. No. 2002, H.D. 2, 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 majority of the Committees was adopted and H.B. No. 2002, H.D. 2, S.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 2, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3089) recommending that H.B. No. 1824, 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 report of the Committee was adopted and H.B. No. 1824, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO ELECTRICIANS AND PLUMBERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3090) recommending that H.B. No. 2411, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2411, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Hanabusa and Baker, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3091) recommending that H.B. No. 2003, H.D. 1, 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 H.B. No. 2003, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3092) recommending that H.B. No. 2004, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2004, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ILLEGAL USE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3093) recommending that H.B. No. 2683, 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 report of the Committee was adopted and H.B. No. 2683, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA AND DEFERRED ACCEPTANCE OF NOLO CONTENDERE PLEA," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3094) recommending that H.B. No. 2789, H.D. 1, 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 report of the Committee was adopted and H.B. No. 2789, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second

Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

Senators Kawamoto and Fukunaga, for the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3095) recommending that H.B. No. 1103, H.D. 2, 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 majority of the Committees was adopted and H.B. No. 1103, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 2, 2004.

ORDER OF THE DAY

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
TUESDAY, MARCH 30, 2004**

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, March 30, 2004:

House
Concurrent
Resolution

Referred to:

No. 40 Jointly to the Committee on Science, Arts, and Technology and the Committee on Tourism

No. 47 Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations

No. 50, H.D. 1 Jointly to the Committee on Science, Arts, and Technology and the Committee on Transportation, Military Affairs, and Government Operations

No. 54, H.D. 1 Committee on Water, Land, and Agriculture

No. 71 Committee on Tourism

RE-REFERRAL OF HOUSE BILL

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

House Bill

Referred to:

No. 2759, H.D. 1 Committee on Ways and Means

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

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

"Mr. President, it is with deep sadness that I've seen the degradation of Senate courtesy and the unspoken rule of treating fellow Senators with respect and honor for their position.

"In this morning's talk show, a Senator used my name in vain to prove his point. As for me, after this Session, my skin is

thick like an elephant with all the things that go on. But what bothers me the most is that this Senator used a bill that was a bad bill . . . not a bad bill, a bad example of a bill. It's not a bad bill. It's a good bill. Anyway, that bill was not a good example for where veto power of the chair was used. The veto power was not taken at that time. In fact, he was part of the discussion when the bill was recommitted in the House after rejecting the House request.

"All I ask is that the Senator, if he wants to use my name in vain, at least do the research as he's done on other things to prove his point. Because, the veto power was not used on that bill that he announced on the radio today.

"Thank you very much."

ADJOURNMENT

At 12:05 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, April 1, 2004.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate