

## FOURTEENTH DAY

Wednesday, February 9, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mrs. Lee Ann Bowman, Senate Clerk's Office, after which the Roll was called showing all Senators present with the exception of Senators Espero and Kokubun who were excused.

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

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

The Senate reconvened at 11:50 o'clock a.m.

## HOUSE COMMUNICATION

Hse. Com. No. 8, transmitting H.B. No. 515, which passed Third Reading in the House of Representatives on February 8, 2005, was read by the Clerk and was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 515, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," passed First Reading by title and was deferred.

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.

## STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 7) recommending that the Senate consent to the nomination of ELIZABETH ANN STRANCE to the office of Judge, Circuit Court of the Third Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 78.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 7 and Gov. Msg. No. 78 was deferred until Thursday, February 10, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 8) recommending that S.B. No. 50, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 50, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ORGANIC AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, January 26, 2005 and Monday, January 31, 2005:

Senate Concurrent Resolution	Referred to:
No. 2	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 3	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Media, Arts, Science and Technology
No. 4	Jointly to the Committee on Higher Education and the Committee on Health, then to the Committee on Ways and Means
No. 5	Committee on Labor, then to the Committee on Ways and Means
No. 6	Committee on Education and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs
No. 7	Committee on Health
No. 8	Jointly to the Committee on Education and Military Affairs and the Committee on Health
No. 9	Jointly to the Committee on Education and Military Affairs, the Committee on Health and the Committee on Higher Education
No. 10	Jointly to the Committee on Education and Military Affairs and the Committee on Health
No. 11	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 12	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
No. 13	Committee on Human Services, then to the Committee on Ways and Means
No. 14	Jointly to the Committee on Education and Military Affairs and the Committee on Energy, Environment, and International Affairs
No. 15	Committee on Energy, Environment, and International Affairs, then to the Committee on Transportation and Government Operations
No. 16	Jointly to the Committee on Human Services and the Committee on Health

- No. 17 Jointly to the Committee on Business and Economic Development and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 18 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Business and Economic Development
- No. 19 Jointly to the Committee on Business and Economic Development and the Committee on Higher Education, then to the Committee on Commerce, Consumer Protection and Housing
- No. 20 Committee on Health
- No. 21 Jointly to the Committee on Human Services and the Committee on Intergovernmental Affairs, then to the Committee on Commerce, Consumer Protection and Housing
- No. 22 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Business and Economic Development, then to the Committee on Ways and Means
- No. 23 Jointly to the Committee on Human Services and the Committee on Intergovernmental Affairs, then to the Committee on Judiciary and Hawaiian Affairs
- No. 24 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means
- No. 25 Committee on Transportation and Government Operations, then to the Committee on Ways and Means
- No. 26 Committee on Human Services
- No. 27 Jointly to the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 28 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 29 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 30 Jointly to the Committee on Health and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
- No. 31 Jointly to the Committee on Human Services and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means
- No. 32 Committee on Health
- No. 33 Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
- No. 34 Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs
- No. 35 Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions that were offered on Wednesday, January 26, 2005 and Monday, January 31, 2005:

- | Senate Resolution | Referred to:   |
|-------------------|--|
| No. 3             | Committee on Labor, then to the Committee on Ways and Means  |
| No. 4             | Committee on Education and Military Affairs, then to the Committee on Judiciary and Hawaiian Affairs   |
| No. 5             | Jointly to the Committee on Education and Military Affairs and the Committee on Health   |
| No. 6             | Jointly to the Committee on Education and Military Affairs, the Committee on Health and the Committee on Higher Education                          |
| No. 7             | Jointly to the Committee on Education and Military Affairs and the Committee on Health   |
| No. 8             | Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means                                    |
| No. 9             | Committee on Human Services, then to the Committee on Ways and Means   |
| No. 10            | Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs   |
| No. 11            | Jointly to the Committee on Education and Military Affairs and the Committee on Health   |
| No. 12            | Committee on Education and Military Affairs  |
| No. 13            | Committee on Education and Military Affairs  |
| No. 14            | Jointly to the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means |
| No. 15            | Jointly to the Committee on Tourism and the Committee on Business and Economic Development   |
| No. 16            | Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs                                     |
| No. 17            | Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs                                |
| No. 18            | Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means   |
| No. 19            | Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Transportation and Government Operations                      |

**RE-REFERRAL OF SENATE BILLS**

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

Senate Bill	Referred to:
No. 26	Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 56	Committee on Labor, then to the Committee on Judiciary and Hawaiian Affairs
No. 496	Jointly to the Committee on Education and Military Affairs and the Committee on Human Services, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
No. 527	Jointly to the Committee on Health, the Committee on Human Services and the Committee on Intergovernmental Affairs, then jointly to the Committee on Transportation and Government Operations and the Committee on Ways and Means
No. 786	Jointly to the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 1016	Jointly to the Committee on Transportation and Government Operations, the Committee on Water, Land, and Agriculture and the Committee on Business and Economic Development, then jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Ways and Means
No. 1066	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 1269	Jointly to the Committee on Water, Land, and Agriculture, the Committee on Business and Economic Development and the Committee on Intergovernmental Affairs, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
No. 1360	Jointly to the Committee on Transportation and Government Operations, the Committee on Intergovernmental Affairs and the Committee on Tourism, then to the Committee on Ways and Means
No. 1380	Jointly to the Committee on Business and Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 1552	Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, then to the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 1613	Committee on Intergovernmental Affairs, then to the Committee on Ways and Means
No. 1715	Jointly to the Committee on Energy, Environment, and International Affairs and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1885 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

**HOUSE COMMUNICATIONS****MATTERS DEFERRED FROM TUESDAY, FEBRUARY 8, 2005**

H.B. No. 161, H.D. 1 (Hse. Com. No. 5):

By unanimous consent, action on H.B. No. 161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," was deferred until Thursday, February 10, 2005.

H.B. No. 214, H.D. 1 (Hse. Com. No. 6):

By unanimous consent, action on H.B. No. 214, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," was deferred until Thursday, February 10, 2005.

H.B. No. 644, H.D. 1 (Hse. Com. No. 7):

By unanimous consent, action on H.B. No. 644, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," was deferred until Thursday, February 10, 2005.

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

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

"Colleagues, you may remember that last year I rose and spoke in opposition of a constitutional amendment because I believed that my testimony mattered. I am consistent. I believe that when we hear bills in Committee it is important that we are there in person so we can hear what the testifiers have to say so I can hear the dialog between my colleagues and the testifiers and among ourselves.

"I had a problem yesterday, so I personally would like to apologize to the Chairman of the Human Services Committee because I could not attend her hearing. As for the Economic Development Committee, I could not attend his hearing because all three Committees that I chose to belong to had a hearing that went on at the same time.

"On the positive side, I would like to publicly recognize and personally thank the Chairman of the Higher Education Committee. I thank him for the way he conducted the hearing in showing respect to the people that testified and consideration of his colleagues by having decision-making at the end of each bill.

"Thank you, Mr. President, I hope we can work for having fewer conflicts in the hearings of bills."

Senator Fukunaga, Chair of the Committee on Media, Arts, Science and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

S.B. No. 713;  
S.B. No. 720;  
S.B. No. 1695; and  
S.B. No. 1701.

Senator Fukunaga noted:

“Mr. President, these bills were previously heard on Tuesday, February 8, 2005, and scheduled for decision making on Tuesday, February 15, 2005.”

The Chair then granted the waiver.

**ADJOURNMENT**

At 11:54 o'clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, February 10, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate