

## TWENTY-SECOND DAY

Tuesday, February 22, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:51 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Faiivae A. Galeai, Senate Vice President of the American Samoa Legislature, after which the Roll was called showing all Senators present with the exception of Senators Espero, Fukunaga and Inouye who were excused.

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

At 12:04 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 366 to 368) were read by the Clerk and were placed on file:

Gov. Msg. No. 366, dated February 15, 2005, transmitting a Report Detailing the Programs and Functions that Would Need to be Placed Under the Control of Individual Schools to Enable Principals to Expend an Increased Percentage of the Appropriations for the Total Department of Education Budget, Excluding Debt Service and Capital Improvements Programs, prepared by the Department of Education pursuant to Act 221, Section 13, SLH 2004.

Gov. Msg. No. 367, dated February 14, 2005, transmitting the 2004 Annual Report of the Department of Business, Economic Development and Tourism.

Gov. Msg. No. 368, dated February 8, 2005, transmitting a Report Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health, prepared by the Department of Health pursuant to Section 340E-33, HRS.

## SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 42) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ENFORCE THE COLLECTION OF THE TRANSIENT ACCOMMODATIONS TAX ON UNREGISTERED VACATION RENTALS, AND REQUESTING THE COUNTIES TO ENFORCE THE ZONING LAWS AGAINST ILLEGAL OPERATIONS OF VACATION RENTALS."

Offered by: Senators Kim, Baker, Slom, Nishihara, English, Espero, Taniguchi, Chun Oakland, Hemmings, Hee, Ihara, Kokubun, Hogue.

## SENATE RESOLUTION

The following resolution (S.R. No. 21) was read by the Clerk and was deferred:

Senate Resolution

No. 21 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ENFORCE THE COLLECTION OF THE TRANSIENT ACCOMMODATIONS TAX ON UNREGISTERED VACATION RENTALS, AND REQUESTING THE COUNTIES TO ENFORCE THE ZONING LAWS AGAINST ILLEGAL OPERATIONS OF VACATION RENTALS."

Offered by: Senators Kim, Baker, Slom, Nishihara, English, Espero, Taniguchi, Chun Oakland, Hemmings, Hee, Ihara, Kokubun, Hogue.

## ORDER OF THE DAY

## THIRD READING

S.B. No. 612, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 615, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 620, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 620, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT FOR THE SUPERVISION OF ADULT OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 621:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 621, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 929:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 929, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL RIGHTS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 616:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 619:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 619, entitled: "A BILL FOR AN ACT RELATING TO PETTY MISDEMEANORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 698:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 698, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIMINAL JUSTICE DATA CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 680, S.D. 1:

On motion by Senator English, seconded by Senator Baker and carried, S.B. No. 680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 127, S.D. 1:

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, S.B. No. 127, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

S.B. No. 1788, S.D. 1:

By unanimous consent, S.B. No. 1788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS," was recommitted to the Committee on Higher Education.

S.B. No. 145:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 145, entitled: "A BILL FOR AN ACT 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Espero, Fukunaga, Inouye).

**REFERRAL OF HOUSE BILLS**

**MATTERS DEFERRED FROM FRIDAY, FEBRUARY 18, 2005**

The President made the following committee assignments of House bills received on Thursday, February 17, 2005 and Friday, February 18, 2005:

House Bill	Referred to:
No. 81	Committee on Transportation and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing
No. 155, H.D. 1	Jointly to the Committee on Tourism and the Committee on Commerce, Consumer Protection and Housing
No. 313	Committee on Judiciary and Hawaiian Affairs
No. 433, H.D. 1	Committee on Judiciary and Hawaiian Affairs
No. 437	Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 477, H.D. 1	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Judiciary and Hawaiian Affairs
No. 494	Committee on Judiciary and Hawaiian Affairs
No. 496	Committee on Judiciary and Hawaiian Affairs
No. 502, H.D. 1	Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs
No. 582, H.D. 1	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 1221	Committee on Judiciary and Hawaiian Affairs

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions that were offered on Friday, February 4, 2005; Tuesday, February 8, 2005; and Thursday, February 17, 2005:

Senate  
Concurrent  
Resolution

Referred to:

No. 37                    Committee on Education and Military  
Affairs, then to the Committee on Ways and Means

No. 38                    Jointly to the Committee on Judiciary and  
Hawaiian Affairs and the Committee on Commerce, Consumer  
Protection and Housing

No. 39                    Jointly to the Committee on Health and  
the Committee on Commerce, Consumer Protection and  
Housing, then to the Committee on Ways and Means

No. 40                    Jointly to the Committee on Tourism and  
the Committee on Business and Economic Development, then  
to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

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

Senate Bill

Referred to:

No. 1116                Jointly to the Committee on  
Transportation and Government Operations, the Committee on  
Intergovernmental Affairs and the Committee on Ways and  
Means

No. 1756                Committee on Ways and Means

**ADJOURNMENT**

At 12:15 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 23, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate