

## TWENTY-THIRD DAY

## Wednesday, February 23, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gordon Trimble, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Kim who was excused.

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

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 369 to 378) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 369, dated February 2, 2005, transmitting the Hawaii Environmental Report Card 2004, prepared by the Environmental Council, was placed on file.

Gov. Msg. No. 370, dated February 18, 2005, transmitting the State of Hawaii Program Memoranda, prepared by the Department of Budget and Finance, Budget, Program Planning and Management Division, pursuant to Section 37-70, HRS, was placed on file.

Gov. Msg. No. 371, dated February 15, 2005, transmitting the Department of Public Safety's Response to Act 200, Section 58, SLH 2003, as amended by Act 41, Section 35, SLH 2004, concerning expenditure for Federal Detention Center contracts for fiscal year ending June 30, 2004, was placed on file.

Gov. Msg. No. 372, dated February 15, 2005, transmitting the Department of Public Safety's Response to Act 200, Section 57, SLH 2003, as amended by Act 41, Section 34, SLH 2004, concerning expenditures for Mainland prison contracts for fiscal year ending June 30, 2004, was placed on file.

Gov. Msg. No. 373, dated February 15, 2005, transmitting the Department of Public Safety's Response to Act 200, Section 56, SLH 2003, as amended by Act 41, Section 33, SLH 2004, concerning expenditures for substance abuse treatment, mental health treatment, and job development programs for offenders, was placed on file.

Gov. Msg. No. 374, dated February 15, 2005, transmitting the Crime Victim Compensation Commission's Annual Report for Fiscal Year Ending June 30, 2005, was placed on file.

Gov. Msg. No. 375, dated February 15, 2005, transmitting the Department of Public Safety's Annual Report on the Status of the Federal Reimbursement Maximization Special Fund for Fiscal Year Ending June 30, 2004, pursuant to Section 353C-7, HRS, was placed on file.

Gov. Msg. No. 376, submitting for consideration and consent, the nomination of RANDAL K.O. LEE to the office of Judge, Twelfth Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the

Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 377, submitting for consideration and consent, the nomination of KATHLEEN N.A. WATANABE to the office of Judge, Circuit Court of the Fifth Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 378, letter dated February 18, 2005, transmitting proposed changes to the Appropriations Act, H.B. No. 100, was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 20 and 21) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 20, transmitting H.B. No. 501, H.D. 1, which passed Third Reading in the House of Representatives on February 22, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 501, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT," passed First Reading by title and was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 21, transmitting H.B. No. 1608, H.D. 1, which passed Third Reading in the House of Representatives on February 22, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 1608, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed First Reading by title and was referred to the Committee on Labor, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 43 to 45) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 43 "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO CONSIDER THE REGULATION OF NEUROMARKETING."

Offered by: Senator Chun Oakland.

No. 44 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PRESERVE THE AMOUNT OF MEDICAID COVERAGES AND AMOUNT OF BENEFITS."

Offered by: Senator Chun Oakland.

No. 45 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN

HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY.'”

Offered by: Senators Chun Oakland, Sakamoto, Tsutsui, Ihara, Trimble, Slom, Kanno, Nishihara, Fukunaga, Kokubun, Espero, Taniguchi, English, Baker, Inouye, Hooser, Hemmings.

**SENATE RESOLUTION**

The following resolution (S.R. No. 22) was read by the Clerk and was deferred:

Senate Resolution

No. 22 “SENATE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PRESERVE THE AMOUNT OF MEDICAID COVERAGES AND AMOUNT OF BENEFITS.”

Offered by: Senator Chun Oakland.

**STANDING COMMITTEE REPORTS**

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 616) recommending that S.B. No. 117 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 117, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 617) recommending that S.B. No. 797, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 797, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2005.

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. 618) recommending that S.B. No. 760, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 760, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 619) recommending that S.B. No. 264, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 264, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COURTS,” passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 620) recommending that S.B. No. 255, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 255, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL,” passed Second Reading and was recommitted to the Committee on Judiciary and Hawaiian Affairs.

Senators Kokubun and English, for the Committee on Water, Land, and Agriculture and the Committee on Energy, Environment, and International Affairs, presented a joint report (Stand. Com. Rep. No. 621) recommending that S.B. No. 956, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 956, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 3, 2005.

**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. 255, S.D. 1	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
No. 264, S.D. 1	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means
No. 944	Committee on Ways and Means
No. 945	Committee on Ways and Means
No. 946	Committee on Ways and Means
No. 1808	Committee on Ways and Means

**ADJOURNMENT**

At 11:59 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, March 3, 2005.