

## TWENTY-FOURTH DAY

**Thursday, March 3, 2005**

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Angela M. Flaherty, University of Hawaii Senior, after which the Roll was called showing all Senators present.

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

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 379 to 384) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 379, dated February 15, 2005, transmitting the Annual Report on the Status of the Federal Reimbursement Maximization Special Fund for Fiscal Year 2004, prepared by the Department of Public Safety pursuant to Section 353C-7, HRS, was placed on file.

Gov. Msg. No. 380, dated February 15, 2005, transmitting a Report Concerning Expenditures for Mainland Prison Contracts for Fiscal Year Ending June 30, 2004, prepared by the Department of Public Safety pursuant to Act 200, Section 57, SLH 2003, as amended by Act 41, Section 34, SLH 2004, was placed on file.

Gov. Msg. No. 381, dated February 15, 2005, transmitting a Report Concerning Expenditures for Substance Abuse Treatment, Mental Health Treatment, and Job Development Programs for Offenders, prepared by the Department of Public Safety pursuant to Act 200, Section 56, SLH 2003, as amended by Act 41, Section 33, SLH 2004, was placed on file.

Gov. Msg. No. 382, letter dated February 23, 2005, notifying the Senate that she has approved the transfer of general funds from HTH 101, 460 and 610 to HTH 730 in the amount of \$882,000, as authorized by the Legislature for the Department of Health, was placed on file.

Gov. Msg. No. 383, letter dated February 23, 2005, notifying the Senate that she has approved the Department of Health's request to expend federal funds in excess of levels authorized by the Legislature in the increased amount of \$425,000 for a one-year discretionary grant, Supplemental Funds Competitive "State-Based Tobacco Cessation Quitlines," funded by the Centers for Disease Control and Prevention, was placed on file.

Gov. Msg. No. 384, advising the Senate of the withdrawal of the nominations of:

LONIA BURROUGHS to the State Council on Mental Health, under Gov. Msg. No. 213, dated January 28, 2005;

WAYNE SUNAHARA to the State Council on Mental Health, under Gov. Msg. No. 220, dated January 28, 2005; and

JOSEPH C. WAMPLER to the Molokai Irrigation System Water Users Advisory Board, under Gov. Msg. No. 224, dated January 28, 2005,

was placed on file.

In compliance with Gov. Msg. No. 384, the nominations listed under Gov. Msg. Nos. 213, 220 and 224 were returned.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 22 and 23) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 22, transmitting H.B. No. 79, which passed Third Reading in the House of Representatives on February 23, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 79, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES," passed First Reading by title and was deferred.

Hse. Com. No. 23, transmitting H.B. No. 624, which passed Third Reading in the House of Representatives on February 23, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 624, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

**SENATE CONCURRENT RESOLUTIONS**

The following concurrent resolutions (S.C.R. Nos. 46 to 62) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 46 "SENATE CONCURRENT RESOLUTION RECOGNIZING THE FLAG OF THE FORMER REPUBLIC OF VIETNAM AS A HERITAGE AND FREEDOM FLAG OF THE VIETNAMESE-AMERICAN COMMUNITY OF THE STATE OF HAWAII."

Offered by: Senator Fukunaga.

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A STUDY ON HOW PUBLIC SCHOOL ENROLLMENT PROJECTIONS ARE DETERMINED."

Offered by: Senators Menor, Bunda.

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF AN ALTERNATE ROUTE OF INGRESS TO AND EGRESS FROM MILILANI MAUKA."

Offered by: Senators Menor, Bunda.

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING A TASK FORCE ON ENFORCEMENT OF THE ELECTRICIAN AND PLUMBER LICENSING LAWS."

Offered by: Senators Menor, Baker, Chun Oakland, Espero, English, Ige, Kanno, Trimble, Hanabusa, Fukunaga, Inouye, Kokubun, Ihara, Nishihara, Sakamoto, Taniguchi.

No. 50 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF METHODOLOGIES USED FOR CONTROLLING NON-NATIVE GAME ANIMALS IN HAWAII'S FOREST AREAS."

Offered by: Senator Kokubun.

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS."

Offered by: Senator Kokubun.

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE OFFICE OF ELECTIONS THAT FOCUSES ON THE OPERATION AND PERFORMANCE OF THE ELECTIONS OF 2004."

Offered by: Senator Kokubun.

No. 53 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

Offered by: Senators Sakamoto, Chun Oakland, Hooser, Taniguchi.

No. 54 "SENATE CONCURRENT RESOLUTION RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE."

Offered by: Senators Baker, Chun Oakland.

No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ADVISABILITY OF CONVENING A CONSTITUTIONAL CONVENTION IN 2007."

Offered by: Senator Inouye.

No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE DISTANCE LEARNING EDUCATIONAL SERVICES."

Offered by: Senator Sakamoto.

No. 57 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH SOBRIETY SCHOOLS, ALTERNATIVE SCHOOLS, OR DROPOUT CENTERS FOR ADOLESCENTS WHO SUFFER FROM SUBSTANCE ABUSE."

Offered by: Senator Sakamoto.

No. 58 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ONE CHANCELLOR FOR ALL OF THE UNIVERSITY OF HAWAII'S COMMUNITY COLLEGES INSTEAD OF THE CURRENT SYSTEM OF ONE CHANCELLOR FOR EACH COMMUNITY COLLEGE."

Offered by: Senator Sakamoto.

No. 59 "SENATE CONCURRENT RESOLUTION URGING MEDICAID TO DEVELOP MORE FEDERALLY QUALIFIED HEALTH CENTERS STATEWIDE."

Offered by: Senators Baker, Chun Oakland, Fukunaga.

No. 60 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY LAWS THAT FACILITATE OR DETRACT FROM EFFECTIVE WORK-FAMILY POLICY."

Offered by: Senators Sakamoto, Nishihara, Kim, Baker, Chun Oakland.

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNCILS OF THE CITY AND COUNTY OF HONOLULU, AND THE COUNTIES OF MAUI, KAUAI, AND HAWAII TO STUDY AND IMPLEMENT A TRAINING REIMBURSEMENT PROGRAM FOR POLICE OFFICERS AND FIREFIGHTERS WHO TERMINATE EMPLOYMENT WITH THE COUNTY."

Offered by: Senators Sakamoto, Espero, Fukunaga, Ige, Hanabusa.

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT AND DEVELOP PARTNERSHIPS WITH COMMUNITY-ORIENTED AGENCIES, ORGANIZATIONS, AND STUDENTS OF THE ISLAND OF HAWAII TO PROMOTE ACTIVITIES THAT ENCOURAGE POSITIVE YOUTH OUTCOMES."

Offered by: Senator Inouye.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 23 to 29) were read by the Clerk and were deferred:

Senate Resolution

No. 23 "SENATE RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF AN ALTERNATE ROUTE OF INGRESS TO AND EGRESS FROM MILILANI MAUKA."

Offered by: Senators Menor, Bunda.

No. 24 "SENATE RESOLUTION REQUESTING A TASK FORCE ON ENFORCEMENT OF THE ELECTRICIAN AND PLUMBER LICENSING LAWS."

Offered by: Senators Menor, Baker, Chun Oakland, Espero, English, Ige, Kanno, Trimble, Hanabusa, Fukunaga, Inouye, Kokubun, Ihara, Nishihara, Sakamoto, Taniguchi.

No. 25 "SENATE RESOLUTION COMMEMORATING THE CENTENNIAL OF MAUI COUNTY."

Offered by: Senators Tsutsui, Baker, English.

No. 26 "SENATE RESOLUTION REQUESTING A REVIEW OF METHODOLOGIES USED FOR CONTROLLING NON-NATIVE GAME ANIMALS IN HAWAII'S FOREST AREAS."

Offered by: Senator Kokubun.

No. 27 "SENATE RESOLUTION REQUESTING A REVIEW AND ANALYSIS OF THE ISSUES SURROUNDING THE SHORELINE CERTIFICATION PROCESS FOR THE PURPOSE OF ESTABLISHING SHORELINE SETBACKS."

Offered by: Senator Kokubun.

No. 28 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION TO CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

Offered by: Senators Sakamoto, Chun Oakland, Hooser, Taniguchi.

No. 29 "SENATE RESOLUTION URGING MEDICAID TO DEVELOP MORE FEDERALLY QUALIFIED HEALTH CENTERS STATEWIDE."

Offered by: Senators Baker, Chun Oakland, Fukunaga.

#### STANDING COMMITTEE REPORTS

Senators Ige and Kokubun, for the Committee on Intergovernmental Affairs and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 622) recommending that S.B. No. 1586 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. 1586, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COUNTY BOARD OF WATER SUPPLY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 623) recommending that S.B. No. 438 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. 438, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 624) recommending that S.B. No. 439 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. 439, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 625) recommending that S.B. No. 440, 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. 440, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 626) recommending that S.B. No. 595, 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. 595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 627) recommending that S.B. No. 600 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 majority of the Committee was adopted and S.B. No. 600, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 628) recommending that S.B. No. 695 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. 695, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 629) recommending that S.B. No. 532 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. 532, entitled: "A BILL FOR AN ACT RELATING TO METROPOLITAN PLANNING ORGANIZATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 630), recommending that S.C.R. No. 25 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.C.R. No. 25, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ENSURE THAT ALL NEW STATE PUBLIC BUILDINGS ERECTED IN AREAS NOT SERVED BY A PUBLIC SHELTER INCLUDE A PORTION OF THE BUILDING DESIGNATED TO SERVE AS A

PUBLIC SHELTER,” was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 631) recommending that S.B. No. 107 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. 107, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARING,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 632) recommending that S.B. No. 1798 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. 1798, entitled: “A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 633) recommending that S.B. No. 436 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. 436, entitled: “A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE STATEMENTS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 634) recommending that S.B. No. 437 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. 437, entitled: “A BILL FOR AN ACT RELATING TO CONFLICTS OF INTERESTS,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 635) recommending that S.B. No. 603 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. 603, entitled: “A BILL FOR AN ACT RELATING TO 911 EMERGENCY SERVICE,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 636) recommending that S.B. No. 607, 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. 607, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO

THEFT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 637) recommending that S.B. No. 681 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. 681, entitled: “A BILL FOR AN ACT RELATING TO THE DEFINITION OF SEXUAL CONDUCT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 638) recommending that S.B. No. 700, 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. 700, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 639) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

DENISE E. ANTOLINI, in accordance with Gov. Msg. No. 169;

ROBERT A. KING, in accordance with Gov. Msg. No. 170;

EILEEN O’HORA-WEIR, in accordance with Gov. Msg. No. 171; and

ORLAN L. PETERSON JR., in accordance with Gov. Msg. No. 172.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 639 and Gov. Msg. Nos. 169, 170, 171 and 172 was deferred until Friday, March 4, 2005.

Senators Baker, Chun Oakland and Taniguchi, for the Committee on Health, the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 640) recommending that S.B. No. 1235 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. 1235, entitled: “A BILL FOR AN ACT RELATING TO ELDERLY CARE,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 641) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

DEBRA T. FARMER, in accordance with Gov. Msg. No. 256;

GERALDINE M. FERGE, in accordance with Gov. Msg. No. 257;

LARRY GELLER, in accordance with Gov. Msg. No. 258;

PRISCILLA B. HAVRE M.ED. CRC, in accordance with Gov. Msg. No. 259;

KATIE KEIM, in accordance with Gov. Msg. No. 260;

GAIL LERCH, in accordance with Gov. Msg. No. 261;

JULIE K. SMITH, in accordance with Gov. Msg. No. 262; and

VIRGINIA G. TOMPKINS, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 641 and Gov. Msg. Nos. 256, 257, 258, 259, 260, 261, 262 and 264 was deferred until Friday, March 4, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 642) recommending that S.B. No. 122, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 642 and S.B. No. 122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," was deferred until Tuesday, March 8, 2005.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 643) recommending that S.B. No. 536 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 643 and S.B. No. 536, entitled: "A BILL FOR AN ACT RELATING TO LABOR DISPUTES," was deferred until Tuesday, March 8, 2005.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 644) recommending that S.B. No. 925, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 644 and S.B. No. 925, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," was deferred until Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 645) recommending that S.B. No. 1170, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 645 and S.B. No. 1170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," was deferred until Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 646) recommending that S.B. No. 1512, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 646 and S.B. No. 1512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," was deferred until Tuesday, March 8, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 647) recommending that S.B. No. 1742 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. 1742, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 4, OF THE HAWAII CONSTITUTION RELATING TO THE JUDICIAL SELECTION COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 648) recommending that S.B. No. 1884, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 648 and S.B. No. 1884, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO SHORELINES," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 649) recommending that S.B. No. 111, 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. 111, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 650) recommending that S.B. No. 119, 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. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTINUING EDUCATION OF DESIGN PROFESSIONALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 651) recommending that S.B. No. 625, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 651 and S.B. No. 625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION ACCESS ORGANIZATIONS," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 652) recommending that S.B. No. 753 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. 753, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," passed Second Reading and was

placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 653) recommending that S.B. No. 754, 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. 754, 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 Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 654) recommending that S.B. No. 766, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 654 and S.B. No. 766, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONS AND VOCATIONS LICENSURE RESTORATION," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 655) recommending that S.B. No. 768, 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. 768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 656) recommending that S.B. No. 1802, 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. 1802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 657) recommending that S.B. No. 711, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 657 and S.B. No. 711, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 658) recommending that S.B. No. 118, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 658 and S.B. No. 118, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE BOARD OF DENTAL EXAMINERS EXAMINATIONS," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 659) recommending that S.B. No. 1285, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 659 and S.B. No. 1285, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN HEALING PRACTICES," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 660) recommending that S.B. No. 953, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 660 and S.B. No. 953, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY DISCLOSURES," was deferred until Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 661) recommending that S.B. No. 101 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. 101, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 662) recommending that S.B. No. 842, 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. 842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 663) recommending that S.B. No. 840, 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. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 664) recommending that S.B. No. 460 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. 460, entitled: "A BILL FOR AN ACT RELATING TO TAX REFUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 665) recommending that S.B. No. 102 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. 102, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 666) recommending that S.B. No. 1673, 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 majority of the Committee was adopted and S.B. No. 1673, 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 Tuesday, March 8, 2005.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 667) recommending that S.B. No. 736, 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 majority of the Committee was adopted and S.B. No. 736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 668) recommending that S.B. No. 944, 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. 944, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 669) recommending that S.B. No. 945, 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. 945, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senators Kim and Menor, for the Committee on Tourism and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 670) recommending that S.B. No. 1141, 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. 1141, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO TIME SHARE PLANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 671) recommending that S.B. No. 108, 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. 108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 672) recommending that S.B. No. 756, 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. 756, 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 Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 673) recommending that S.B. No. 1140, 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. 1140, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL SERVICE LOAN COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 674) recommending that S.B. No. 761, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 674 and S.B. No. 761, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred until Tuesday, March 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 675) recommending that S.B. No. 1230, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 675 and S.B. No. 1230, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," was deferred until Tuesday, March 8, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 676) recommending that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

CECILIA K. AKIM, in accordance with Gov. Msg. No. 198;

PONI ELLIOT KAMAUU, in accordance with Gov. Msg. No. 199; and

CASINA K. WATERMAN, in accordance with Gov. Msg. No. 200.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 676 and Gov. Msg. Nos. 198, 199 and 200 was deferred until Friday, March 4, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 677) recommending that the Senate advise and consent to the nomination of RICHARD HENDERSON to the Board of Directors of the Natural Energy Laboratory of Hawaii Authority, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 677 and Gov. Msg. No. 229 was deferred until Friday, March 4, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 678) recommending that the Senate advise and consent to the nomination of EDWARD H. W. YOUNG to the Board of Directors of the Hawaii Strategic Development Corporation, in accordance with Gov. Msg. No. 273.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 678 and Gov. Msg. No. 273 was deferred until Friday, March 4, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 679) recommending that the Senate advise and consent to the nominations to the Hawaii Historic Places Review Board of the following:

DAWN DUENSING, in accordance with Gov. Msg. No. 190;

VICTORIA N. KNEUBUHL, in accordance with Gov. Msg. No. 191;

MICHIKO KODAMA-NISHIMOTO, in accordance with Gov. Msg. No. 192; and

PETER R. MILLS, in accordance with Gov. Msg. No. 193.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 679 and Gov. Msg. Nos. 190, 191, 192 and 193 was deferred until Friday, March 4, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 680) recommending that the Senate advise and consent to the nomination of GEORJA SKINNER to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 146.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 680 and Gov. Msg. No. 146 was deferred until Friday, March 4, 2005.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 681) recommending that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

WAYNETTE K. Y. CABRAL, in accordance with Gov. Msg. No. 196; and

PINA LEMUSU, in accordance with Gov. Msg. No. 197.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 681 and Gov. Msg. Nos. 196 and 197 was deferred until Friday, March 4, 2005.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 682), recommending that S.C.R. No. 24 be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 24, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONTINUE TO CONVENE THE RESIDENTIAL SETTINGS TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 683) recommending that S.C.R. No. 20 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 683 and S.C.R. No. 20, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE MONTH OF JANUARY AS CERVICAL CANCER AWARENESS MONTH," was deferred until Friday, March 4, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 684) recommending that S.C.R. No. 7 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 684 and S.C.R. No. 7, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE STRATEGIC PLAN TO PROMOTE OBESITY PREVENTION AND HEALTHY LIFESTYLES," was deferred until Friday, March 4, 2005.

**ORDER OF THE DAY**

**THIRD READING**

S.B. No. 117:

By unanimous consent, action on S.B. No. 117, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred until Friday, March 4, 2005.

S.B. No. 797, S.D. 1:

By unanimous consent, action on S.B. No. 797, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred until Friday, March 4, 2005.

S.B. No. 760, S.D. 1:

By unanimous consent, action on S.B. No. 760, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred until Friday, March 4, 2005.



S.B. No. 956, S.D. 1:

By unanimous consent, action on S.B. No. 956, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," was deferred until Friday, March 4, 2005.

**RE-REFERRAL OF SENATE BILL**

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

Senate Bill                      Referred to:

No. 123                              Committee on Health, then jointly to the Committee on Transportation and Government Operations and the Committee on Ways and Means

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 779 and 780.

Senator Hanabusa noted:

"Mr. President, S.B. No. 779 allows the DHHL to enter into business relationships with private companies, and S.B. No. 780 allows homestead lessees to designate a sibling to succeed to the leasehold interest."

The Chair then granted the waiver.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 o'clock a.m.

**ADJOURNMENT**

At 11:53 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., Friday, March 4, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate