

TWENTY-EIGHTH DAY

Friday, March 11, 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 Father William Allport, St. Peter's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators English, Hogue and Whalen who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 406 to 416) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 406, advising the Senate of the withdrawal of the nominations of:

RICKY YUKIO TAMASHIRO to the Correctional Industries Advisory Committee, under Gov. Msg. No. 144, dated January 28, 2005; and

ROBERT K. TIRRELL to the Motor Vehicle Industry Licensing Board, under Gov. Msg. No. 226, dated January 28, 2005,

was placed on file.

In compliance with Gov. Msg. No. 406, the nominations listed under Gov. Msg. Nos. 144 and 226 were returned.

Gov. Msg. No. 407, letter dated March 7, 2005, notifying the Senate that she has approved the transfer of general funds from HMS 230 to HMS 603 in the amount of \$650,403, to cover the cost of Medicaid fee-for-service clients transferring to the residential alternatives community care program, was placed on file.

Gov. Msg. No. 408, letter dated March 7, 2005, notifying the Senate that she has approved the increase of expenditure levels and expenditure of non-appropriated federal funds for the Department of Transportation in the increased amount of \$1,600,000, was placed on file.

Gov. Msg. No. 409, letter dated March 7, 2005, notifying the Senate that she has approved the increase of expenditure levels and expenditure of non-appropriated federal funds for the Department of Transportation in the increased amount of \$152,500, was placed on file.

Gov. Msg. No. 410, letter dated March 7, 2005, notifying the Senate that she has approved the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Land and Natural Resources in the increased amount of \$264,555, was placed on file.

Gov. Msg. No. 411, letter dated March 7, 2005, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the amount of \$4,151,500, was placed on file.

Gov. Msg. No. 412, letter dated March 7, 2005, notifying the Senate that she has approved transfer of funds between

programs for the Department of Transportation in the amount of \$220,000, was placed on file.

Gov. Msg. No. 413, letter dated March 7, 2005, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the amount of \$874,000, was placed on file.

Gov. Msg. No. 414, letter dated March 7, 2005, notifying the Senate that she has approved the transfer of general funds from HTH 550 to HTH 530 in the amount of \$300,000, as authorized by the Legislature for the Department of Health, was placed on file.

Gov. Msg. No. 415, dated March 8, 2005, transmitting the 2004 Report of the Commission to Promote Uniform Legislation, prepared by the Department of the Attorney General, was placed on file.

Gov. Msg. No. 416, dated March 10, 2005, transmitting the School-by-School Expenditure Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS, was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 352 to 355) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 352, transmitting H.C.R. No. 3, H.D. 1, which was adopted by the House of Representatives on March 10, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 3, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT TO SUPPORT FEDERAL POLICIES DESIGNED TO ELIMINATE HOMELESSNESS IN THE UNITED STATES," was deferred until Monday, March 14, 2005.

Hse. Com. No. 353, transmitting H.C.R. No. 7, which was adopted by the House of Representatives on March 10, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE A REVIEW OF THE ECONOMIC FEASIBILITY OF CONSTRUCTING A FIXED RAIL SYSTEM AROUND THE ISLAND OF HAWAII IN THE HAWAII LONG RANGE LAND TRANSPORTATION PLAN," was deferred until Monday, March 14, 2005.

Hse. Com. No. 354, transmitting H.C.R. No. 51, which was adopted by the House of Representatives on March 10, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE FEASIBILITY OF AN ALTERNATE ROUTE OF INGRESS TO AND EGRESS FROM MILLANI MAUKA," was deferred until Monday, March 14, 2005.

Hse. Com. No. 355, transmitting H.C.R. No. 57, which was adopted by the House of Representatives on March 10, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION REVIEW STATE AIRPORT AND HARBOR FEES AND ADJUST THESE FEES AS NECESSARY," was deferred until Monday, March 14, 2005.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 69 to 79) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 69 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO MEET WITH THE NATURE CONSERVANCY AND OTHER ENVIRONMENTAL GROUPS TO REVIEW AND UPDATE WHERE NECESSARY THE CONTENT AND PERFORMANCE STANDARDS ON STEWARDSHIP OF PLANET EARTH."

Offered by: Senators Nishihara, Kokubun, Hooser, Inouye, Kim, Sakamoto.

No. 70 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS."

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

No. 71 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO SUPPORT A REPEAL OF THE FEDERAL EXCISE TAX ON TELECOMMUNICATIONS."

Offered by: Senator Slom.

No. 72 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII PROTECT WORKERS FROM UNION VIOLENCE."

Offered by: Senator Slom.

No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION WORK TO ABOLISH THE DEATH TAX PERMANENTLY."

Offered by: Senator Slom.

No. 74 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO PASS SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS."

Offered by: Senator Slom.

No. 75 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO END THE ABUSE OF TORT LAW AGAINST THE FIREARMS INDUSTRY."

Offered by: Senator Slom.

No. 76 "SENATE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE PRIVATIZATION OF SOCIAL SECURITY AND URGING HAWAII'S CONGRESSIONAL DELEGATION TO REJECT PROPOSED CHANGES TO THE SOCIAL SECURITY SYSTEM."

Offered by: Senators Menor, Baker, Hooser, Inouye, Espero, Nishihara, Chun Oakland, Fukunaga, Ige, Hee, Kanno, Hanabusa, Kokubun, Tsutsui, Taniguchi, Bunda.

No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL."

Offered by: Senator Fukunaga.

No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT."

Offered by: Senators Fukunaga, Baker.

No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES."

Offered by: Senator Fukunaga.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 31 to 42) were read by the Clerk and were deferred:

Senate Resolution

No. 31 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO WORK WITH AND THROUGH THE STATE OFFICE OF ELECTIONS AND THE COUNTY CLERKS OFFICES TO INCREASE THE PARTICIPATION OF HIGH SCHOOL STUDENTS IN VOTER REGISTRATION, VOTER EDUCATION AND VOTING AMONG EIGHTEEN YEAR OLD STUDENTS."

Offered by: Senators Nishihara, Kokubun, Hooser, Inouye, Kim, Sakamoto.

No. 32 "SENATE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO REVIEW ITS CONTENT AND PERFORMANCE STANDARDS TO INCORPORATE A GLOBAL DIMENSION IN TEACHING, REFLECTING THE NEW MIX OF RELIGIONS, CULTURES, LANGUAGES, AND GEOPOLITICS OF THE TWENTY-FIRST CENTURY."

Offered by: Senators Nishihara, Kokubun, Hooser, Inouye, Kim, Sakamoto.

No. 33 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS."

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

No. 34 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO SUPPORT A REPEAL OF THE FEDERAL EXCISE TAX ON TELECOMMUNICATIONS."

Offered by: Senator Slom.

No. 35 "SENATE RESOLUTION REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII PROTECT WORKERS FROM UNION VIOLENCE."

Offered by: Senator Slom.

No. 36 "SENATE RESOLUTION REQUESTING THAT HAWAII'S CONGRESSIONAL DELEGATION WORK TO ABOLISH THE DEATH TAX PERMANENTLY."

Offered by: Senator Slom.

No. 37 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO PASS SOCIAL SECURITY PERSONAL RETIREMENT ACCOUNTS."

Offered by: Senator Slom.

No. 38 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO WORK TO END THE ABUSE OF TORT LAW AGAINST THE FIREARMS INDUSTRY."

Offered by: Senator Slom.

No. 39 "SENATE RESOLUTION ESTABLISHING HAWAII'S BILL OF RIGHTS DAY ON DECEMBER 15 ANNUALLY."

Offered by: Senator Slom.

No. 40 "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL."

Offered by: Senator Fukunaga.

No. 41 "SENATE RESOLUTION REQUESTING THE COLLABORATIVE DEVELOPMENT OF STANDARDS FOR ELECTRONIC HEALTH AND MEDICAL RECORDS MANAGEMENT."

Offered by: Senators Fukunaga, Baker.

No. 42 "SENATE RESOLUTION REQUESTING THE CONVENING OF A TASK FORCE TO FACILITATE THE ESTABLISHMENT OF VIABLE NATURALLY OCCURRING RETIREMENT COMMUNITIES."

Offered by: Senator Fukunaga.

STANDING COMMITTEE REPORT

Senators Kim and Espero, for the Committee on Tourism and the Committee on Business and Economic Development, presented a joint report (Stand. Com. Rep. No. 1010), recommending that S.C.R. No. 40, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Trimble and carried, the joint report of the Committees was adopted and

S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONDUCT A CARRYING CAPACITY STUDY WITH THE SUPPORT OF THE HAWAII TOURISM AUTHORITY," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1003 (Gov. Msg. Nos. 173, 174, 175, 177, 178, 179 and 180):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1003 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

ANDRES A. BACLIG JR., term to expire June 30, 2005 (Gov. Msg. No. 173);

SANANDA K. BAZ, term to expire June 30, 2005 (Gov. Msg. No. 174);

BERNARD P. CARVALHO JR., term to expire June 30, 2005 (Gov. Msg. No. 175);

MICHAEL KRAMER, term to expire June 30, 2005 (Gov. Msg. No. 177);

STEVEN NAKAOKA, term to expire June 30, 2005 (Gov. Msg. No. 178);

MARIKA RIPKE PHD, term to expire June 30, 2005 (Gov. Msg. No. 179); and

SYLVIA H. L. YUEN PH.D, term to expire June 30, 2005 (Gov. Msg. No. 180),

seconded by Senator Ihara.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Hogue, Whalen).

Stand. Com. Rep. No. 1004 (Gov. Msg. No. 283):

Senator Fukunaga moved that Stand. Com. Rep. No. 1004 be received and placed on file, seconded by Senator Ige and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of HEATHER HAUNANI GIUGNI to the Hawaii Television and Film Development Board, term to expire June 30, 2008, seconded by Senator Ige.

The motion was put by the Chair and carried on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Hogue, Whalen).

ADOPTION OF RESOLUTIONS

**MATTERS DEFERRED FROM
THURSDAY, MARCH 10, 2005**

Stand. Com. Rep. No. 1006 (S.C.R. No. 16, S.D. 1):

On motion by Senator Hee, seconded by Senator Trimble and carried, the joint report of the Committees was adopted and S.C.R. No. 16, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, MATERNAL AND CHILD HEALTH BRANCH, TO STUDY THE ROLE OF GESTATIONAL ENVIRONMENTS, GENTLE BIRTHING PRACTICES, DOMESTIC HARMONY AWARENESS, AND APPROPRIATE AND SUFFICIENT TOUCH AND THEIR CONNECTION TO PUBLIC POLICY CONCERNS THAT INCLUDE SUBSTANCE ABUSE, ALCOHOLISM, AND DOMESTIC VIOLENCE," was adopted.

Stand. Com. Rep. No. 1009 (S.R. No. 15, S.D. 1):

On motion by Senator Hee, seconded by Senator Trimble and carried, the joint report of the Committees was adopted and S.R. No. 15, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM TO CONDUCT A CARRYING CAPACITY STUDY WITH THE SUPPORT OF THE HAWAII TOURISM AUTHORITY," was adopted.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 125, H.D. 2	Committee on Water, Land, and Agriculture
No. 1536, H.D. 1	Committee on Energy, Environment, and International Affairs, then to the Committee on Ways and Means

ADJOURNMENT

At 11:52 o'clock a.m., on motion by Senator Hee, seconded by Senator Trimble and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 14, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate