

TWENTY-NINTH DAY

Monday, March 14, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable J. Kalani English, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 417 to 422) were read by the Clerk and were placed on file:

Gov. Msg. No. 417, 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 \$2,300,000.

Gov. Msg. No. 418, 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 the Attorney General in the grant amount of \$1,569,980 that will be expended in FY 05 through FY 09.

Gov. Msg. No. 419, 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 High Technology Development Corporation in the Department of Business and Economic Development and Tourism in the increased amount of \$75,000.

Gov. Msg. No. 420, letter dated March 10, 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 \$150,000.

Gov. Msg. No. 421, letter dated March 11, 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 Health in the increased amount of \$1,336,363 for the Ryan White Comprehensive AIDS Resources Emergency grant.

Gov. Msg. No. 422, letter dated March 11, 2005, notifying the Senate that she has approved a request for the expenditure of federal funds in excess of levels authorized by the Legislature for the Department of Public Safety in the amount of \$84,021.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 80) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING, LICENSING, AND ENFORCING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS AND TO IMPLEMENT POLICY REGARDING THESE TYPES OF TOURIST ACCOMMODATIONS."

Offered by: Senators Hooser, Baker, Ihara, Tsutsui, Nishihara, Espero, Chun Oakland, Hee.

SENATE RESOLUTION

The following resolution (S.R. No. 43) was read by the Clerk and was deferred:

Senate Resolution

No. 43 "SENATE RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING, LICENSING, AND ENFORCING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS AND TO IMPLEMENT POLICY REGARDING THESE TYPES OF TOURIST ACCOMMODATIONS."

Offered by: Senators Hooser, Ihara, Baker, Tsutsui, Nishihara, Espero, Chun Oakland, Hee.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1011) recommending that the Senate advise and consent to the nomination of ALEX B. WALTER PHD to the Mental Health and Substance Abuse, Hawaii Service Area Board, in accordance with Gov. Msg. No. 208.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1011 and Gov. Msg. No. 208 was deferred until Tuesday, March 15, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1012) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Kauai Service Area Board of the following:

ROY A. ASHER, in accordance with Gov. Msg. No. 209;

CANDACE M. SANDAL, in accordance with Gov. Msg. No. 210; and

BRENDA K. VIADO, in accordance with Gov. Msg. No. 211.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1012 and Gov. Msg. Nos. 209, 210 and 211 was deferred until Tuesday, March 15, 2005.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1013), recommending that S.C.R. No. 21 be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was

adopted and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL HOUSING ASSISTANCE FOR GRANDPARENT-HEADED AND RELATIVE-HEADED HOUSEHOLDS," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1014), recommending that S.C.R. No. 23, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 23, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES, FAMILY COURTS, GOVERNMENT AGENCIES AND PRIVATE ORGANIZATIONS, LED BY THE OFFICE OF YOUTH SERVICES, TO COLLABORATE ON THE DEVELOPMENT OF AN ACTION PLAN THAT ASSESSES THE NEEDS OF AT-RISK YOUTH, IDENTIFIES PROGRAMS, SERVICES, AND STRATEGIES TO ADDRESS THEIR NEEDS, AND PROVIDES SAFE ALTERNATIVES TO INCARCERATION FOR YOUTH ON EACH ISLAND," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1015), recommending that S.C.R. No. 31 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. 31, entitled: "SENATE CONCURRENT RESOLUTION URGING COUNTIES TO MAKE A CONCERTED EFFORT TO DEVELOP A SENIOR TAX WORK-OFF PROGRAM TO HELP PAY REAL PROPERTY TAXES," was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1016) recommending that the Senate consent to the nomination of RANDAL K.O. LEE to the office of Judge, Twelfth Division, Circuit Court of the First 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. 376.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1016 and Gov. Msg. No. 376 was deferred until Tuesday, March 15, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1017) recommending that the Senate advise and consent to the nomination of LIZ ANN K. IHU to the State Council on Developmental Disabilities, in accordance with Gov. Msg. No. 150.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1017 and Gov. Msg. No. 150 was deferred until Tuesday, March 15, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1018) recommending that the Senate advise and consent to the nomination of BRIAN KAJIYAMA to the Disability and Communication Access Board, in accordance with Gov. Msg. No. 151.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1018 and Gov. Msg. No. 151 was deferred until Tuesday, March 15, 2005.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 11, 2005

H.C.R. No. 3, H.D. 1 (Hse. Com. No. 352):

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 Tuesday, March 15, 2005.

H.C.R. No. 7 (Hse. Com. No. 353):

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 Tuesday, March 15, 2005.

H.C.R. No. 51 (Hse. Com. No. 354):

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 MILILANI MAUKA," was deferred until Tuesday, March 15, 2005.

H.C.R. No. 57 (Hse. Com. No. 355):

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 Tuesday, March 15, 2005.

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., Tuesday, March 15, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate