

FORTY-THIRD DAY

Tuesday, April 5, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Michael Palompo, New Hope Mililani, after which the Roll was called showing all Senators present.

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

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 549 and 550) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 549, advising the Senate of the withdrawal of the nominations of:

CHERYL A. WILLIAMS to the Board of Directors of the Hawaii Tourism Authority, under Gov. Msg. No. 285, dated January 28, 2005; and

MICHAEL H. FURUKAWA to the Land Use Commission, under Gov. Msg. No. 396, dated March 9, 2005,

was placed on file.

In compliance with Gov. Msg. No. 549, the nominations listed under Gov. Msg. Nos. 285 and 396 were returned.

Gov. Msg. No. 550, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of LEON D. YOSHIDA, term to expire June 30, 2008, was referred to the Committee on Tourism.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 403 to 432) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 403, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 320, H.D. 1 (S.D. 1);
H.B. No. 624 (S.D. 1);
H.B. No. 644, H.D. 1 (S.D. 1);
H.B. No. 785, H.D. 1 (S.D. 1); and
H.B. No. 806, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 404, transmitting H.C.R. No. 4, H.D. 1, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 4, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO INVESTIGATE THE ADVISABILITY OF ENTERING INTO INTERSTATE COMPACTS WITH OTHER STATES CONCERNING CERTAIN PERILS AFFECTING THE COST OF PROPERTY AND CASUALTY INSURANCE," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 405, transmitting H.C.R. No. 56, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE PRESIDENT AND CONGRESS RECOGNIZE AN OFFICIAL POLITICAL RELATIONSHIP BETWEEN THE UNITED STATES GOVERNMENT AND THE INDIGENOUS HAWAIIAN PEOPLE," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 406, transmitting H.C.R. No. 66, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING OCTOBER 29, 2005, AS SAMUEL MANAIKALANI KAMAKAU DAY," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 407, transmitting H.C.R. No. 131, H.D. 1, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 131, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO AMEND TITLE 13, CHAPTER 34, HAWAII ADMINISTRATIVE RULES, THE PUPUKEA MARINE LIFE CONSERVATION DISTRICT, OAHU, TO ALLOW HOOK AND LINE POLE FISHING FOR AKULE," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 408, transmitting H.C.R. No. 151, H.D. 1, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 151, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE ESTABLISHMENT OF A HAWAII GLOBAL YOUTH CENTER," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 409, transmitting H.C.R. No. 178, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND REPORT ON WASTE MANAGEMENT STRATEGIES FOR AUTOMOBILES, AUTOMOTIVE PRODUCTS, AND ELECTRONIC WASTE," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 410, transmitting H.C.R. No. 287, H.D. 1, which was adopted by the House of Representatives on April 4, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 287, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES, WORKING JOINTLY WITH THE COUNTIES AND THE UNITED STATES ARMY CORPS OF ENGINEERS, TO CONDUCT A STUDY ON FLOOD MITIGATION MEASURES FOR STREAMS IN THE KANEOHE AREA," was deferred until Wednesday, April 6, 2005.

Hse. Com. No. 411, returning S.B. No. 842, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, was placed on file.

Hse. Com. No. 412, returning S.B. No. 459, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 459, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 413, returning S.B. No. 943, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 943, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 414, returning S.B. No. 944, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 944, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 415, returning S.B. No. 945, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 945, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 416, returning S.B. No. 1018, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1018, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 417, returning S.B. No. 1045, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1045, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 418, returning S.B. No. 1046, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1046, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 419, returning S.B. No. 1047, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1047, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 420, returning S.B. No. 1048, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1048, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 421, returning S.B. No. 1049, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1049, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 422, returning S.B. No. 1050, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1050, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 423, returning S.B. No. 1253, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1253, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 424, returning S.B. No. 1579, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1579, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 425, returning S.B. No. 1580, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1580, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 426, returning S.B. No. 1581, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1581, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 427, returning S.B. No. 1582, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1582, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 428, returning S.B. No. 1583, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1583, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 429, returning S.B. No. 1584, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1584, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 430, returning S.B. No. 1585, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1585, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 431, returning S.B. No. 1883, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1883, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 432, returning S.B. No. 1893, which passed Third Reading in the House of Representatives on April 4, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1893, and requested a conference on the subject matter thereof.

STANDING COMMITTEE REPORTS

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1351) recommending that the Senate advise and consent to the nomination of DOUGLAS KAHIKINA CHANG to the Board of Directors of the Hawaii Tourism Authority, in accordance with Gov. Msg. No. 284.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1351 and Gov. Msg. No. 284 was deferred until Wednesday, April 6, 2005.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1352) recommending that S.C.R. No. 107, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1352 and S.C.R. No. 107, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE CURRENT HAWAII COUNTY TRAFFIC PLANS TO ENSURE THE OBJECTIVES OF THE HAWAII STATE PLANNING ACT FOR TRANSPORTATION PLANNING ARE MET AND TO PREPARE A TRAFFIC SOLUTION PLAN FOR HAWAII COUNTY," was deferred until Wednesday, April 6, 2005.

Senators Inouye, Chun Oakland and Ige, for the Committee on Transportation and Government Operations, the Committee on Human Services and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1353) recommending that S.C.R. No. 96 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1353 and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DEVELOP A STRATEGIC PLAN FOR FURNISHING SENIOR TRANSPORTATION OPTIONS IN THEIR COUNTY," was deferred until Wednesday, April 6, 2005.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1354) recommending that S.C.R. No. 94 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1354 and S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was deferred until Wednesday, April 6, 2005.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1355) recommending that S.R. No. 58, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1355 and S.R. No. 58, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY AND EVALUATE CURRENT HAWAII COUNTY TRAFFIC PLANS TO ENSURE THE OBJECTIVES OF THE HAWAII STATE PLANNING ACT FOR TRANSPORTATION PLANNING ARE MET AND TO PREPARE A TRAFFIC SOLUTION PLAN FOR HAWAII COUNTY," was deferred until Wednesday, April 6, 2005.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1356) recommending that S.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1356 and S.R. No. 53, entitled: "SENATE RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was deferred until Wednesday, April 6, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1357) recommending that H.B. No. 712, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1357 and H.B. No. 712, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," was deferred until Thursday, April 7, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1358) recommending that H.B. No. 895, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1358 and H.B. No. 895, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," was deferred until Thursday, April 7, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1359) recommending that H.B. No. 1201, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1359 and H.B. No. 1201, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," was deferred until Thursday, April 7, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1360) recommending that H.B. No. 1202, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1360 and H.B. No. 1202, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," was deferred until Thursday, April 7, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1361) recommending that H.B. No. 1430, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1361 and H.B. No. 1430, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," was deferred until Thursday, April 7, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1362) recommending that H.B. No. 1709, 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 H.B. No. 1709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 7, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 1363) recommending that H.B. No. 81 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1363 and H.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred until Thursday, April 7, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 1364) recommending that H.B. No. 295, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1364 and H.B. No. 295, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," was deferred until Thursday, April 7, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection, and Housing, presented a report (Stand. Com. Rep. No. 1365) recommending that H.B. No. 1118 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1365 and H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO NURSES," was deferred until Thursday, April 7, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1366) recommending that the Senate advise and consent to the nomination of BECKY L. HAYASHIDA CHOI to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1366 and Gov. Msg. No. 265 was deferred until Wednesday, April 6, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1367) recommending that the Senate advise and consent to the nomination of JOYCE M. ALLEN to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 270.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1367 and Gov. Msg. No. 270 was deferred until Wednesday, April 6, 2005.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1342 (Gov. Msg. Nos. 212, 214, 215, 216, 218, 219 and 221):

Senator Baker moved that Stand. Com. Rep. No. 1342 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

ALAN BUFFENSTEIN MD, term to expire June 30, 2008 (Gov. Msg. No. 212);

LIESJE CATTANEO, term to expire June 30, 2008 (Gov. Msg. No. 214);

RITA GOROSPE, term to expire June 30, 2006 (Gov. Msg. No. 215);

RANDOLPH C. HACK, term to expire June 30, 2008 (Gov. Msg. No. 216);

CANDACE M. SANDAL, term to expire June 30, 2008 (Gov. Msg. No. 218);

PAULINE SCHICK, term to expire June 30, 2007 (Gov. Msg. No. 219); and

SHARON P. YOKOTE, term to expire June 30, 2008 (Gov. Msg. No. 221),

seconded by Senator Chun Oakland.

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1345 (Gov. Msg. No. 128):

Senator Kokubun moved that Stand. Com. Rep. No. 1345 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of L. DOUGLAS MACCLUER to the Board of Agriculture, term to expire June 30, 2008, seconded by Senator Hooser.

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1346 (Gov. Msg. Nos. 233, 234, 235, 236 and 237):

Senator Kokubun moved that Stand. Com. Rep. No. 1346 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Advisory Committee on Pesticides of the following:

JANET ASHMAN, term to expire June 30, 2007 (Gov. Msg. No. 233);

DON R. GERBIG, term to expire June 30, 2008 (Gov. Msg. No. 234);

CALVIN H. ODA, term to expire June 30, 2008 (Gov. Msg. No. 235);

SEAN O'KEEFE, term to expire June 30, 2008 (Gov. Msg. No. 236); and

WESLEY OTANI, term to expire June 30, 2009 (Gov. Msg. No. 237),

seconded by Senator Hooser.

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1347 (Gov. Msg. Nos. 222, 223 and 225):

Senator Kokubun moved that Stand. Com. Rep. No. 1347 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Molokai Irrigation System Water Users Advisory Board of the following:

THOMAS D. DECOURCY, term to expire June 30, 2007 (Gov. Msg. No. 222);

ADOLPH M. HELM, term to expire June 30, 2009 (Gov. Msg. No. 223); and

RICHARD K. WHEELER, term to expire June 30, 2008 (Gov. Msg. No. 225),

seconded by Senator Hooser.

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

Stand. Com. Rep. No. 1348 (Gov. Msg. Nos. 129, 130, 131, 132 and 133):

Senator Kokubun moved that Stand. Com. Rep. No. 1348 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Kauai Aquatic Life and Wildlife Advisory Committee of the following:

JEFFREY BRYANT, term to expire June 30, 2009 (Gov. Msg. No. 129);

GEORGE R. COATES, term to expire June 30, 2008 (Gov. Msg. No. 130);

LOIS FUJISHIGE, term to expire June 30, 2006 (Gov. Msg. No. 131);

EDSON MARTIN, term to expire June 30, 2007 (Gov. Msg. No. 132); and

ELTON S. USHIO, term to expire June 30, 2008 (Gov. Msg. No. 133),

seconded by Senator Hooser.

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

Ayes, 24. Noes, none. Excused, 1 (Menor).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM MONDAY, APRIL 4, 2005

Stand. Com. Rep. No. 1338 (S.C.R. No. 95):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION

URGING KOKUA COUNCIL TO CONVENE THE 2005 MODEL LEGISLATURE," was adopted.

Stand. Com. Rep. No. 1340 (S.C.R. No. 168):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 168, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A ONE-YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was adopted.

Stand. Com. Rep. No. 1343 (S.C.R. No. 10, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO PROMOTE POLICIES THAT PERMIT EDIBLE SCHOOL GARDENS AND THAT INTEGRATE THEM INTO SCHOOL CURRICULA," was adopted.

Stand. Com. Rep. No. 1344 (S.R. No. 7, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 7, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS TO PROMOTE POLICIES THAT PERMIT EDIBLE SCHOOL GARDENS AND THAT INTEGRATE THEM INTO SCHOOL CURRICULA," was adopted.

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM MONDAY, APRIL 4, 2005

H.C.R. No. 5, H.D. 1 (Hse. Com. No. 390):

By unanimous consent, action on H.C.R. No. 5, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF PLANNING TO ESTABLISH A SOUTH KONA-KA'U COASTAL CONSERVATION PARTNERSHIP," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 78 (Hse. Com. No. 391):

By unanimous consent, action on H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ESTABLISHING PENALTIES FOR THE CAPTURE OR DESTRUCTION OF MANTA RAYS WITHIN THE MARINE WATERS OF THE STATE OF HAWAII," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 88 (Hse. Com. No. 392):

By unanimous consent, action on H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONSIDER IMPOSING RESTRICTIONS ON PUBLIC ACCESS TO THE AHIHI-KINAU NATURAL

AREA RESERVE," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 91 (Hse. Com. No. 393):

By unanimous consent, action on H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION IN THE FEDERAL PROGRAM TO ASSIST STATES IN OBTAINING SCRAPPED FEDERAL SHIPS TO USE AS ARTIFICIAL REEFS IN THE WATERS OF THE STATE OF HAWAII," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 113 (Hse. Com. No. 394):

By unanimous consent, action on H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 141, H.D. 1 (Hse. Com. No. 395):

By unanimous consent, action on H.C.R. No. 141, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO ACTIVELY MONITOR LEVELS OF SULFUR DIOXIDE AND ESTABLISH A VOG INDEX ADVISORY PROGRAM FOR THE ENTIRE ISLAND OF HAWAII," was deferred until Wednesday, April 6, 2005.

H.C.R. No. 249 (Hse. Com. No. 396):

By unanimous consent, action on H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was deferred until Wednesday, April 6, 2005.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate	
Concurrent	
Resolution	Referred to:

No. 99 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Labor, then to the Committee on Ways and Means

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 789 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 4, 2005, in disagreeing to the amendments proposed by the House to S.B. No. 789, seconded by Senator Chun Oakland and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 789, seconded by Senator Chun Oakland.

Senator Baker noted:

“Mr. President, for the members’ edification, this is an emergency appropriation for home- and community-based services and basically all that the House did was make technical non-substantive form amendments, and so that’s why we want to move to agree.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 789, and S.B. No. 789, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR HOME AND COMMUNITY BASED SERVICES,” was placed on the calendar for Final Reading on Wednesday, April 6, 2005.

S.B. No. 675 (H.D. 1):

Senator Chun Oakland moved that the Senate reconsider its action taken on March 31, 2005, in disagreeing to the amendments proposed by the House to S.B. No. 675, seconded by Senator Hanabusa and carried.

Senator Chun Oakland moved that the Senate agree to the amendments proposed by the House to S.B. No. 675, seconded by Senator Hanabusa.

Senator Chun Oakland noted:

“Mr. President, this bill provides the authority for the child support enforcement agency to provide services to non-custodial parents, allows disclosure of information in administrative proceedings and the issuance of income withholding orders. It requires the non-custodial parent to keep CSEA informed of medical insurance coverage and enables CSEA to notify employers of the requirement to provide medical insurance coverage by regular mail or transmission by electronic means. The House made technical non-substantive changes to this. We have gotten an SMA legal check and also consulted with the Attorney General’s Office.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 675, and S.B. No. 675, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT,” was placed on the calendar for Final Reading on Wednesday, April 6, 2005.

ADJOURNMENT

At 12:17 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, April 6, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate