

## FORTY-FOURTH DAY

**Wednesday, April 6, 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 Mr. Andrew Colver, University of Hawaii Student Intern, after which the Roll was called showing all Senators present with the exception of Senators Hogue, Ihara and Sakamoto who were excused.

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

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

The Senate reconvened at 11:52 o'clock a.m.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 433 to 448) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 433, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 161, H.D. 1 (S.D. 1);  
 H.B. No. 214, H.D. 1 (S.D. 1);  
 H.B. No. 553, H.D. 1 (S.D. 1);  
 H.B. No. 833, H.D. 1 (S.D. 1);  
 H.B. No. 1413, H.D. 1 (S.D. 1);  
 H.B. No. 1450, H.D. 2 (S.D. 1);  
 H.B. No. 1453, H.D. 1 (S.D. 1);  
 H.B. No. 1712, H.D. 1 (S.D. 1); and  
 H.B. No. 1715, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 434, transmitting H.C.R. No. 95, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO RECOGNIZE THE IMPORTANCE OF THE CONTRIBUTIONS OF FAMILY CAREGIVERS AND TO SUPPORT THEM TO THE EXTENT POSSIBLE IN SERVING THE LONG-TERM CARE NEEDS OF THE STATE'S RESIDENTS," was referred jointly to the Committee on Health and the Committee on Human Services.

Hse. Com. No. 435, transmitting H.C.R. No. 96, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT HEALTH AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP METHODS TO SUPPORT FAMILY CAREGIVERS WHO PROVIDE AT-HOME CARE TO QUALIFIED RELATIVES," was referred jointly to the Committee on Health and the Committee on Human Services.

Hse. Com. No. 436, transmitting H.C.R. No. 162, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE EASING OF RESTRICTIONS ON HUMANITARIAN VISAS," was referred jointly to the Committee on Energy, Environment, and International Affairs and the Committee on Intergovernmental Affairs.

Hse. Com. No. 437, transmitting H.C.R. No. 130, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO REVIEW AND UPDATE THE KEEHI LAGOON RECREATION PLAN AND EXPLORE THE LEASING OF UNUTILIZED FAST AND SUBMERGED LANDS AT KEEHI LAGOON FOR THE PRIVATE DEVELOPMENT OF BOATING AND OCEAN RECREATIONAL FACILITIES," was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs.

Hse. Com. No. 438, transmitting H.C.R. No. 134, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 134, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING PRESIDENT GEORGE W. BUSH TO RECONSIDER HIS PLAN TO PRIVATIZE SOCIAL SECURITY," was referred jointly to the Committee on Labor and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 439, transmitting H.C.R. No. 142, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO PASS LEGISLATION FOR A FEDERALLY-FUNDED, HIGH-QUALITY PUBLIC EDUCATION SYSTEM FROM THE PRESCHOOL TO UNIVERSITY LEVEL," was referred jointly to the Committee on Education and Military Affairs, the Committee on Higher Education and the Committee on Intergovernmental Affairs.

Hse. Com. No. 440, transmitting H.C.R. No. 163, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE USE OF THE STUDENT BODY OF KAPIOLANI COMMUNITY COLLEGE TO PROVIDE STATISTICAL EVIDENCE TO BUILD AN ADDITIONAL PARKING FACILITY AT KAPIOLANI COMMUNITY COLLEGE," was referred to the Committee on Higher Education.

Hse. Com. No. 441, transmitting H.C.R. No. 166, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 166, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM," was referred jointly to the Committee on Higher Education and the Committee on Energy, Environment, and International Affairs.

Hse. Com. No. 442, transmitting H.C.R. No. 188, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 188, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE A COST BREAKDOWN OF THE BUDGET AMOUNT ALLOCATED TO THE DEPARTMENT OF EDUCATION," was referred to the Committee on Education and Military Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 443, transmitting H.C.R. No. 199, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE ACCOMPLISHMENTS OF PACIFIC RESOURCES FOR EDUCATION AND LEARNING IN HAWAII AND SUPPORTING ITS DESIGNATION AS AN 'EDUCATIONAL SERVICE AGENCY,'" was referred to the Committee on Education and Military Affairs.

Hse. Com. No. 444, transmitting H.C.R. No. 202, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING MAY 5, 2005, AS CLEANERS' APPRECIATION DAY IN THE STATE OF HAWAII," was referred to the Committee on Labor.

Hse. Com. No. 445, transmitting H.C.R. No. 208, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 208, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM," was referred jointly to the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs.

Hse. Com. No. 446, transmitting H.C.R. No. 216, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was referred jointly to the Committee on Health and the Committee on Intergovernmental Affairs.

Hse. Com. No. 447, transmitting H.C.R. No. 269, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 269, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE NUMBER OF LESS THAN FULL-TIME PUBLIC EMPLOYEES THAT ARE INELIGIBLE FOR HEALTH BENEFITS," was referred jointly to the Committee on Labor and the Committee on Health.

Hse. Com. No. 448, transmitting H.C.R. No. 270, H.D. 1, which was adopted by the House of Representatives on April 5, 2005, was placed on file.

By unanimous consent, H.C.R. No. 270, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON CIVIL SERVICE EXEMPT POSITIONS IN EACH EMPLOYING STATE JURISDICTION," was referred to the Committee on Labor.

### STANDING COMMITTEE REPORTS

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 1368) recommending that S.C.R. No. 195, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1368 and S.C.R. No. 195, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO IDENTIFY AND EVALUATE THE BARRIERS TO COMMUNITY-BASED ACCESS TO SPECIALTY CARE AND TO MAKE RECOMMENDATIONS TO IMPROVE ACCESS TO SPECIALTY CARE ON THE NEIGHBOR ISLANDS AND IN RURAL OAHU," was deferred until Thursday, April 7, 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. 1369) recommending that H.C.R. No. 77, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1369 and H.C.R. No. 77, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE TO SUPPORT EXISTING FEDERALLY QUALIFIED HEALTH CENTERS AND TO IDENTIFY STATEWIDE SITES THAT WOULD BENEFIT FROM THE DEVELOPMENT OF MORE FEDERALLY QUALIFIED HEALTH CENTERS STATEWIDE," was deferred until Thursday, April 7, 2005.

Senators Baker and Ige, for the Committee on Health and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1370) recommending that S.C.R. No. 196 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1370 and S.C.R. No. 196, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was deferred until Thursday, April 7, 2005.

Senators Baker and Ige, for the Committee on Health and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1371) recommending that S.R. No. 106 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1371 and S.R. No. 106, entitled: "SENATE RESOLUTION URGING THE GOVERNOR, THE LEGISLATURE, AND THE MAYORS AND COUNCILS OF THE RESPECTIVE COUNTIES TO TAKE THE NECESSARY STEPS TO MAKE HAWAII A SMOKE-FREE STATE BY THE YEAR 2010," was deferred until Thursday, April 7, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1372) recommending that S.C.R. No. 111, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 111, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1373) recommending that S.R. No. 61, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.R. No. 61, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Hee, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1374) recommending that S.C.R. No. 171, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 171, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT TO THE LEGISLATURE REGARDING ITS ACTIONS TO INCREASE SAFETY AND SECURITY ON ITS CAMPUSES," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Hee, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1375) recommending that S.C.R. No. 179, 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 report of the Committee was adopted and S.C.R. No. 179, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FOLLOW-UP STUDY OF THE ADVISABILITY AND FEASIBILITY OF ESTABLISHING A HAWAII STATE UNIVERSITY," was referred to the Committee on Ways and Means.

Senators Hee and Chun Oakland, for the Committee on Higher Education and the Committee on Human Services,

presented a joint report (Stand. Com. Rep. No. 1376) recommending that S.C.R. No. 181 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. 181, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CREATE A TASK FORCE TO ASSESS THE NEED FOR DISABILITY ACCESS FOR EACH CAMPUS," was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1377) recommending that S.C.R. No. 185, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 185, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE TIMELY UPDATES OF THE CHILD WELFARE SERVICES DATABASE AND REQUESTING A STUDY OF LAWS IN OTHER STATES OF EXPUNGEMENT OF UNSUBSTANTIATED REPORTS OF CHILD ABUSE AND NEGLECT AND AN INVESTIGATION OF THE PROCESS AND PROCEDURES IN HAWAII FOR EXPUNGEMENT," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1378) recommending that S.C.R. No. 226, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 226, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING SUPPORT FOR MALAMA O KAMALFI MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR CHILDREN OF HAWAIIAN ANCESTRY," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1379) recommending that S.C.R. No. 129 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO THE DISAPPEARANCE OF PETER KEMA, JR.," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1380) recommending that S.R. No. 70 be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.R. No. 70, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND THE CHIEF OF THE HAWAII COUNTY POLICE DEPARTMENT TO PUBLICLY DISCLOSE INFORMATION RELATED TO

THE DISAPPEARANCE OF PETER KEMA, JR.," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1381) recommending that S.C.R. No. 170 be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 170, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was referred to the Committee on Ways and Means.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1382) recommending that S.C.R. No. 227, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1382 and S.C.R. No. 227, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY BOARD AND PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was deferred until Thursday, April 7, 2005.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1383) recommending that S.R. No. 130, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1383 and S.R. No. 130, S.D. 1, entitled: "SENATE RESOLUTION CREATING AN ADVISORY BOARD AND PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was deferred until Thursday, April 7, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1384) recommending that S.C.R. No. 93, 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 report of the Committee was adopted and S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1385) recommending that S.R. No. 52, 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 report of the Committee was adopted and S.R. No. 52, S.D. 1, entitled: "SENATE RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1386) recommending that S.C.R. No. 113 be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PROGRAMMATIC AND FINANCIAL AUDIT OF THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," was referred to the Committee on Ways and Means.

Senators Baker and English, for the Committee on Health and the Committee on Energy, Environment, and International Affairs, presented a joint report (Stand. Com. Rep. No. 1387) recommending that S.C.R. No. 135, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1387 and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SHARE ITS FINDINGS AND THE STATUS OF ITS ACTIVITIES REGARDING THE CREATION OF A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," was deferred until Thursday, April 7, 2005.

Senators Baker and English, for the Committee on Health and the Committee on Energy, Environment, and International Affairs, presented a joint report (Stand. Com. Rep. No. 1388) recommending that S.R. No. 73, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1388 and S.R. No. 73, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SHARE ITS FINDINGS AND THE STATUS OF ITS ACTIVITIES REGARDING THE CREATION OF A COMPREHENSIVE VOG EMISSIONS MONITORING SYSTEM FOR THE ISLAND OF HAWAII," 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. 1389) recommending that H.B. No. 584, H.D. 1, 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 Trimble and carried, the report of the Committee was adopted and H.B. No. 584, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARITABLE GIFT ANNUITIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1390) recommending that H.B. No. 868, H.D. 2, 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 Trimble and carried, the report of the Committee was adopted and H.B. No. 868, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 8, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep.

No. 1391) recommending that H.B. No. 1154, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1391 and H.B. No. 1154, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred until Friday, April 8, 2005.

Senators Baker and Hee, for the Committee on Health and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 1392) recommending that S.C.R. No. 126, 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. 126, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO BRING ADDITIONAL PSYCHIATRIC SERVICES TO UNDER-SERVED AREAS AND POPULATIONS," was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1393) recommending that S.C.R. No. 197, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Trimble and carried, the report of the Committee was adopted and S.C.R. No. 197, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A MEDICAL MARIJUANA WORKING GROUP TO MAKE RECOMMENDATIONS TO IMPROVE HAWAII'S MEDICAL MARIJUANA PROGRAM," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1394) recommending that S.C.R. No. 106, 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 report of the Committee was adopted and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A JOINT LEGISLATIVE TASK FORCE TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING THE HAWAII PUBLIC PROCUREMENT CODE," was referred to the Committee on Ways and Means.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1351 (Gov. Msg. No. 284):

Senator Kim moved that Stand. Com. Rep. No. 1351 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of DOUGLAS KAHIKINA CHANG to the Board of Directors of the Hawaii Tourism Authority, term to expire June 30, 2008, seconded by Senator Nishihara.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ihara, Sakamoto).

Stand. Com. Rep. No. 1366 (Gov. Msg. No. 265):

Senator Menor moved that Stand. Com. Rep. No. 1366 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of BECKY L. HAYASHIDA CHOI to the Rental Housing Trust Fund Advisory Commission, term to expire June 30, 2008, seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ihara, Sakamoto).

Stand. Com. Rep. No. 1367 (Gov. Msg. No. 270):

Senator Menor moved that Stand. Com. Rep. No. 1367 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JOYCE M. ALLEN to the Board of Speech Pathology and Audiology, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ihara, Sakamoto).

#### ADOPTION OF RESOLUTIONS

#### MATTERS DEFERRED FROM TUESDAY, APRIL 5, 2005

Stand. Com. Rep. No. 1352 (S.C.R. No. 107, 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. 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 adopted.

Stand. Com. Rep. No. 1353 (S.C.R. No. 96):

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

Stand. Com. Rep. No. 1354 (S.C.R. No. 94):

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

Stand. Com. Rep. No. 1355 (S.R. No. 58, 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. 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 adopted.

Stand. Com. Rep. No. 1356 (S.R. No. 53):

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

**FINAL READING**

S.B. No. 675, H.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Hanabusa 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ihara, Sakamoto).

S.B. No. 789, H.D. 1:

On motion by Senator Baker, seconded by Senator Chun Oakland 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," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Hogue, Ihara, Sakamoto).

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM TUESDAY, APRIL 5, 2005**

The President made the following committee assignments of House concurrent resolutions that were received on Monday, April 4, 2005, and Tuesday, April 5, 2005:

House Concurrent Resolution Referred to:

No. 4, H.D. 1 Committee on Commerce, Consumer Protection and Housing

No. 5, H.D. 1 Committee on Water, Land, and Agriculture

No. 56 Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Intergovernmental Affairs

No. 66 Committee on Judiciary and Hawaiian Affairs

No. 78 Committee on Water, Land, and Agriculture

No. 88 Committee on Water, Land, and Agriculture

No. 91 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs

No. 113 Committee on Commerce, Consumer Protection and Housing

No. 131, H.D. 1 Committee on Water, Land, and Agriculture

No. 141, H.D. 1 Jointly to the Committee on Energy, Environment, and International Affairs and the Committee on Health

No. 151, H.D. 1 Jointly to the Committee on Higher Education and the Committee on Energy, Environment, and International Affairs

No. 178 Committee on Energy, Environment, and International Affairs

No. 249 Jointly to the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs

No. 287, H.D. 1 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs

**RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS**

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution Referred to:

No. 64 Committee on Energy, Environment, and International Affairs

No. 136 Committee on Transportation and Government Operations, then to the Committee on Water, Land, and Agriculture

No. 176 Committee on Energy, Environment, and International Affairs

**RE-REFERRAL OF  
SENATE RESOLUTIONS**

The Chair re-referred the following Senate resolutions that were offered:

Senate  
Resolution                      Referred to:

No. 74                      Committee on Transportation and  
Government Operations, then to the Committee on Water,  
Land, and Agriculture

No. 100                      Committee on Energy, Environment, and  
International Affairs

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 957.

Senator Taniguchi noted:

“Mr. President, this bill establishes an earned income tax credit.”

The Chair then granted the waiver.

**ADJOURNMENT**

At 11:58 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., Thursday, April 7, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate