

FORTY-FIFTH DAY

Thursday, April 7, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:44 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Cal Chinen, Moanalua Gardens Missionary Church, after which the Roll was called showing all Senators present with the exception Senator Sakamoto who was excused.

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

At this time, Senator Hooser, on behalf of Senator Sakamoto and himself, introduced and welcomed Admiral William J. Fallon who assumed duties as U.S. Navy Commander, U.S. Pacific Command, on February 26, 2005. Accompanying Admiral Fallon was his wife Mary.

At this time, the President invited Admiral Fallon to the podium to address the members of the Senate.

Admiral Fallon addressed the members of the Senate as follows:

"Thank you very much. It's a great honor to be here. Mary and I are absolutely thrilled to be in Hawaii. We actually arrived about a month ago, and since that arrival we've been the kind recipients of a very, very warm and gracious welcome such as this, this morning. It's a real pleasure to be here and also to be in the company of such distinguished guests in the gallery and here in the front and maybe it's not too old for a gray-haired guy in the presence of the senior surfer here to take a lesson and learn a new sport. I look forward to that. (Laughter.)

"It's also a pleasant surprise to be in the Senate Chambers and not be at the end of a hot poker being grilled on various issues, and I'm very happy to be here.

"Pacific Command, which I'm very honored to head, is a very large entity and I have the honor of representing our military people from all the services, their families, active and reserve, folks in the community here in Hawaii. These people are, as you well know, situated in each of the islands here in the state. Our people are deeply rooted in the community and are a very vibrant part of it and they're delighted to be here.

"The Pacific Command is your representative in the Asian Pacific Rim. We have relations with countries that extend all the way to the coast of Africa. As we are here today, we have hundreds of people that are forwarding work with these many, many nations to try and enhance peace and stability in our region.

"It's a great honor to be here today. Thanks for the warm welcome. We look forward to seeing you as we get deeper into the community. Thank you again."

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:32 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 551, advising the Senate of the withdrawal of the nominations of:

RAY N. K. TERAMOTO to the Medical Advisory Board, under Gov. Msg. No. 482, dated March 24, 2005; and

BARBARA P. MATHEWS RN, MSN, CNAA to the Center for Nursing Advisory Board, under Gov. Msg. No. 499, dated March 24, 2005,

was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 551, the nominations listed under Gov. Msg. Nos. 482 and 499 were returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 449 to 470) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 449, returning S.B. No. 74, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 74, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 450, returning S.B. No. 527, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 527, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 451, returning S.B. No. 561, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 561, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 452, returning S.B. No. 702, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 702, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 453, returning S.B. No. 754, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 754, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 454, returning S.B. No. 768, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 768, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 455, returning S.B. No. 956, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 956, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 456, returning S.B. No. 1065, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1065, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 457, returning S.B. No. 1117, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 1117, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 458, returning S.B. No. 1132, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1132, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 459, returning S.B. No. 1362, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 1362, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 460, returning S.B. No. 1451, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1451, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 461, returning S.B. No. 1461, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1461, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 462, returning S.B. No. 1473, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 1473, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 463, returning S.B. No. 1650, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1650, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 464, returning S.B. No. 1636, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1636, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 465, returning S.B. No. 1660, S.D. 2, which passed Third Reading in the House of Representatives on April 6, 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. 1660, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 466, returning S.B. No. 1732, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 1732, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 467, returning S.B. No. 1808, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 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. 1808, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 468, returning S.B. No. 781, which passed Third Reading in the House of Representatives on April 6, 2005, was placed on file.

Hse. Com. No. 469, returning S.B. No. 840, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 2005, was placed on file.

Hse. Com. No. 470, returning S.B. No. 1802, S.D. 1, which passed Third Reading in the House of Representatives on April 6, 2005, was placed on file.

STANDING COMMITTEE REPORTS

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1395) recommending that S.C.R.

No. 199, as amended in S.D. 1, 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. 199, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COORDINATE STUDIES, WITH THE ASSISTANCE OF THE DEPARTMENT OF HEALTH, TO EVALUATE THE IMPACT OF THE PHYSICIAN ON-CALL CRISIS ON THE QUEEN'S MEDICAL CENTER TRAUMA CENTER TO PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE OF HAWAII AND TO RECOMMEND ANY APPROPRIATE GOVERNMENT AND PRIVATE SECTOR RESPONSES TO THE 'ON-CALL' CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," was referred to the Committee on Ways and Means.

Senators Fukunaga and Inouye, for the Committee on Media, Arts, Science and Technology and the Committee on Transportation and Government Operations, presented a joint report (Stand. Com. Rep. No. 1396) recommending that S.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 Hogue and carried, the joint report of the Committees was adopted and S.R. No. 40, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was referred to the Committee on Ways and Means.

Senators Fukunaga and Inouye, for the Committee on Media, Arts, Science and Technology and the Committee on Transportation and Government Operations, presented a joint report (Stand. Com. Rep. No. 1397) recommending that S.C.R. No. 77, as amended in S.D. 1, 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. 77, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF INSTALLING A WIRELESS FIDELITY INTERNET NETWORK SYSTEM IN THE STATE CAPITOL," was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1398) recommending that S.C.R. No. 50, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1398 and S.C.R. No. 50, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF METHODOLOGIES USED FOR CONTROLLING NON-NATIVE GAME ANIMALS IN HAWAII'S FOREST AREAS," was deferred until Friday, April 8, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1399) recommending that S.R. No. 26, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1399 and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A REVIEW OF METHODOLOGIES USED FOR CONTROLLING NON-NATIVE GAME ANIMALS IN

HAWAII'S FOREST AREAS," was deferred until Friday, April 8, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1400) recommending that S.C.R. No. 138, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1400 and S.C.R. No. 138, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 8, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1401) recommending that S.R. No. 76, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1401 and S.R. No. 76, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was deferred until Friday, April 8, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1402) recommending that S.C.R. No. 147 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. 147, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT," was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1403) recommending that S.C.R. No. 209 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. 209, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH LOCAL CHAPTERS OF NATIONAL APPRAISER ORGANIZATIONS IN ESTABLISHING A PROGRAM TO TRAIN APPRAISERS IN INCOME CAPITALIZATION APPRAISALS AND TO ESTABLISH A PILOT PROGRAM IMPLEMENTING AND TRACKING THE INCOME CAPITALIZATION APPRAISALS FOR REOPENINGS OF STATE AGRICULTURAL LEASES," was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1404) recommending that S.R. No. 116 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.R. No. 116, entitled: "SENATE RESOLUTION REQUESTING THE

DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH LOCAL CHAPTERS OF NATIONAL APPRAISER ORGANIZATIONS IN ESTABLISHING A PROGRAM TO TRAIN APPRAISERS IN INCOME CAPITALIZATION APPRAISALS AND TO ESTABLISH A PILOT PROGRAM IMPLEMENTING AND TRACKING THE INCOME CAPITALIZATION APPRAISALS FOR REOPENINGS OF STATE AGRICULTURAL LEASES," was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1405) recommending that H.B. No. 1222, H.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. 1222, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1406) recommending that H.B. No. 1659, 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 Hogue and carried, the report of the Committee was adopted and H.B. No. 1659, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONCOMMERCIAL PIERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1407) recommending that H.B. No. 164, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1407 and H.B. No. 164, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNAUTHORIZED MOTION PICTURE RECORDING," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1408) recommending that H.B. No. 551, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1408 and H.B. No. 551, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1409) recommending that H.B. No. 582, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1409 and H.B. No. 582, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILD CENTER-HAWAII," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1410) recommending that H.B. No. 685, 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. 685, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911 SERVICE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1411) recommending that H.B. No. 852, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1411 and H.B. No. 852, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1412) recommending that H.B. No. 864, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1412 and H.B. No. 864, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1413) recommending that H.B. No. 938, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1413 and H.B. No. 938, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE SERVICES," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1414) recommending that H.B. No. 1442, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1414 and H.B. No. 1442, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LATERAL PUBLIC ACCESS," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1415) recommending that H.B. No. 1749, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1415 and H.B. No. 1749, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES," was deferred until Tuesday, April 12, 2005.

Senators Kokubun and Espero, for the Committee on Water, Land, and Agriculture and the Committee on Business and Economic Development, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1416) recommending that S.C.R. No. 22, as amended in S.D. 1, 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 majority of the Committees was adopted and S.C.R. No. 22, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK," 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. 1417) recommending that H.B. No. 477, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1417 and H.B. No. 477, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTING ROTH INDIVIDUAL RETIREMENT ACCOUNTS FROM ATTACHMENT OR SEIZURE," was deferred until Tuesday, April 12, 2005.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1418) recommending that H.B. No. 1214, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1418 and H.B. No. 1214, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," was deferred until Tuesday, April 12, 2005.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1419) recommending that H.B. No. 1060, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1419 and H.B. No. 1060, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," was deferred until Tuesday, April 12, 2005.

Senators Hanabusa and Taniguchi, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1420) recommending that H.B. No. 1305, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1420 and H.B. No. 1305, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EQUAL PAY," was deferred until Tuesday, April 12, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1421) recommending that S.C.R. No. 53 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. 53, entitled: "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," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1422) recommending that S.C.R. No. 85, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1422 and S.C.R. No. 85, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PEER EDUCATION PROGRAMS IN ALL PUBLIC SECONDARY SCHOOLS," was deferred until Friday, April 8, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1423) recommending that S.C.R. No. 188 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1423 and S.C.R. No. 188, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP A DEFINITION OF CIVIC RESPONSIBILITY BY USING AN INVENTORY OF SCHOOL-LEVEL ACTIVITIES THAT PROMOTE CIVIC LEARNING IN STUDENTS," was deferred until Friday, April 8, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1424) recommending that S.C.R. No. 191 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1424 and S.C.R. No. 191, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM IN EACH SCHOOL DISTRICT OF THE STATE," was deferred until Friday, April 8, 2005.

Senators Sakamoto and Ige, for the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1425) recommending that S.C.R. No. 192 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1425 and S.C.R. No. 192, entitled: "SENATE 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 Friday, April 8, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1426) recommending that S.R. No. 47, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1426 and S.R. No. 47, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT PEER EDUCATION PROGRAMS IN ALL PUBLIC SECONDARY SCHOOLS," was deferred until Friday, April 8, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1427) recommending that S.R. No. 102 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1427 and S.R. No. 102, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP A DEFINITION OF CIVIC RESPONSIBILITY BY USING AN INVENTORY OF SCHOOL-LEVEL ACTIVITIES THAT PROMOTE CIVIC LEARNING IN STUDENTS," was deferred until Friday, April 8, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1428) recommending that S.R. No. 103 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1428 and S.R. No. 103, entitled: "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM IN EACH SCHOOL DISTRICT OF THE STATE," was deferred until Friday, April 8, 2005.

Senators Sakamoto and Ige, for the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1429) recommending that S.R. No. 104 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1429 and S.R. No. 104, entitled: "SENATE 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 Friday, April 8, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1430) recommending that S.C.R. No. 132 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1430 and S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO ESTABLISH A TASK FORCE TO DESIGN A SYSTEM FOR REPORTING HOSPITAL ACQUIRED INFECTIONS TO THE PUBLIC," was deferred until Friday, April 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. 1431) recommending that H.B. No. 155, 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 Hogue and carried, the joint report of the Committees was adopted and H.B. No. 155, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 12, 2005.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 6, 2005

Stand. Com. Rep. No. 1368 (S.C.R. No. 195, 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. 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 adopted.

Stand. Com. Rep. No. 1369 (H.C.R. No. 77, H.D. 1):

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

Stand. Com. Rep. No. 1370 (S.C.R. No. 196):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 1371 (S.R. No. 106):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted 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 adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 1382 (S.C.R. No. 227, 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. 227, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY BOARD AND PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was adopted.

Stand. Com. Rep. No. 1383 (S.R. No. 130, 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. 130, S.D. 1, entitled: "SENATE RESOLUTION CREATING AN ADVISORY BOARD AND PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM," was adopted.

Stand. Com. Rep. No. 1387 (S.C.R. No. 135, 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. 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 adopted.

Stand. Com. Rep. No. 1388 (S.R. No. 73, 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. 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 adopted.

THIRD READING

Stand. Com. Rep. No. 1357 (H.B. No. 712, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 1357 was adopted and H.B. No. 712, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1358 (H.B. No. 895, H.D. 2, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 1358 be adopted and H.B. No. 895, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Whalen rose in opposition to the measure and said:

"Mr. President, I rise in opposition.

"I would do a 'w/r' but I think it's a waste of time on the Floor. It's either yes or no in the Journal, so I'm going to vote 'no.'

"My concern is on the section of the bill that talks about light crossing the boundary lines towards the ocean. As far as I know, we all live on islands here and no matter which direction you point, you'll be pointing towards the ocean. And what we're doing, if you want to get technical, is we're saying you can't hang up Christmas lights because in urban areas where the lots are smaller of course the light from the Christmas lights are going to cross the property line towards the Pacific Ocean any direction you go. If we can get rid of that section, because it doesn't make sense, the bill would go much further to actually accomplish the purpose without the overkill part.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1358 was adopted and H.B. No. 895, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL LIGHT POLLUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hogue, Slom, Whalen). Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1359 (H.B. No. 1201, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 1359 was adopted and H.B. No. 1201, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1360 (H.B. No. 1202, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 1360 was adopted and H.B. No. 1202, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TRESPASSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1361 (H.B. No. 1430, H.D. 2, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 1361 was adopted and H.B. No. 1430, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

H.B. No. 1709, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, H.B. No. 1709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1363 (H.B. No. 81):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1363 was adopted and H.B. No. 81, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1364 (H.B. No. 295, H.D. 2, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1364 was adopted and H.B. No. 295, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

Stand. Com. Rep. No. 1365 (H.B. No. 1118):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1365 was adopted and H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Inouye, Kim, Sakamoto).

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. Nos. 390 and 491.

Senator Taniguchi noted:

"Mr. President, H.B. No. 390, H.D. 1, S.D. 1, repeals the increase in the rental motor vehicle surcharge tax, and H.B. No. 491, S.D. 1, appropriates funds for lifeguard services at Makena State Beach Park."

The Chair then granted the waiver.

Senator Menor, Chair of the Committee on Commerce, Consumer Protection and Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1017.

Senator Menor noted:

“Mr. President, H.B. No. 1017, H.D. 3, S.D. 1, allows for installation of solar energy devices on any privately owned single-family residential dwelling or townhouse with limited restrictions.

“The reason for the waiver request is as follows – initially, your CPH Committee was not intending on hearing this measure because of the fact that the parties and testifiers with differing viewpoints on this measure appeared to be far apart. However, I have received indication that the parties that are interested in this bill wish to continue a dialogue with respect to possible amendments that might be made to this measure in the future. So, in that regard, by hearing this bill, keeping it alive, and moving it into Conference, we would allow the dialogue to continue and possible improvements to be made to this bill in the future.”

The Chair then granted the waiver.

At 12:40 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:41 o'clock p.m.

APPOINTMENT OF CONFEREES

S.B. No. 575, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 575, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, chair; Kim, Taniguchi, co-chairs; Espero, Ige as managers on the part of the Senate at such conference.

S.B. No. 1699, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1699, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, chair; Taniguchi, co-chair; English, Tsutsui as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:42 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., Friday, April 8, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate