

FIFTY-FIFTH DAY

Tuesday, April 26, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Honpa Hongwanji, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 834 to 838) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 834, informing the Senate that on April 25, 2005, she signed into law Senate Bill No. 675 as Act 26, entitled: "RELATING TO CHILD SUPPORT ENFORCEMENT," was placed on file.

Gov. Msg. No. 835, informing the Senate that on April 25, 2005, she signed into law Senate Bill No. 840 as Act 27, entitled: "RELATING TO INCOME TAX WITHHOLDING," was placed on file

Gov. Msg. No. 836, advising the Senate of the withdrawal of the nomination of LAURA W. SCHULTZ DVM to the Board of Veterinary Examiners, under Gov. Msg. No. 827, dated April 20, 2005, was placed on file.

In compliance with Gov. Msg. No. 836, the nomination listed under Gov. Msg. No. 827 was returned.

Gov. Msg. No. 837, informing the Senate that on April 25, 2005, she signed into law House Bill No. 81 as Act 28, entitled: "RELATING TO MOTOR CARRIERS," was placed on file.

Gov. Msg. No. 838, informing the Senate that on April 25, 2005, she signed into law Senate Bill No. 781 as Act 29, entitled: "RELATING TO ENFORCEMENT OF QUARANTINE," was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 698 to 741) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 698, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 155, H.D. 1 (S.D. 1), was placed on file.

Hse. Com. No. 699, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 516, H.D. 2 (S.D. 1), was placed on file.

Hse. Com. No. 700, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 683, H.D. 1 (S.D. 2), was placed on file.

Hse. Com. No. 701, returning S.C.R. No. 7, which was adopted by the House of Representatives on April 25, 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.C.R. No. 7 and requested a conference on the subject matter thereof.

Hse. Com. No. 702, returning S.C.R. No. 40, S.D. 1, which was adopted by the House of Representatives on April 25, 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.C.R. No. 40, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 703, returning S.C.R. No. 42, S.D. 1, which was adopted by the House of Representatives on April 25, 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.C.R. No. 42, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 704, returning S.C.R. No. 68, S.D. 1, which was adopted by the House of Representatives on April 25, 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.C.R. No. 68, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 705, returning S.C.R. No. 79, S.D. 1, which was adopted by the House of Representatives on April 25, 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.C.R. No. 79, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 706, returning S.C.R. No. 92, S.D. 1, which was adopted by the House of Representatives on April 25, 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.C.R. No. 92, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 707, returning S.C.R. No. 106, S.D. 2, which was adopted by the House of Representatives on April 25, 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.C.R. No. 106, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 708, returning S.C.R. No. 132, which was adopted by the House of Representatives on April 25, 2005, in an amended form, was placed on file.

Hse. Com. No. 727, returning S.C.R. No. 63, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 728, returning S.C.R. No. 95, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 729, returning S.C.R. No. 96, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 730, returning S.C.R. No. 100, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 731, returning S.C.R. No. 135, S.D. 1, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 732, returning S.C.R. No. 141, S.D. 1, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 733, returning S.C.R. No. 143, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 734, returning S.C.R. No. 155, S.D. 1, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 735, returning S.C.R. No. 174, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 736, returning S.C.R. No. 177, S.D. 1, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 737, returning S.C.R. No. 183, S.D. 1, which was adopted by the House of Representatives on April 25, 2005, was placed on file.

Hse. Com. No. 738, informing the Senate that the Speaker on April 25, 2005, made the following change to the conferees on the following bill:

S.B. No. 1352, S.D. 1 (H.D. 1):

Discharged Representative Arakaki as a co-chair,
was placed on file.

Hse. Com. No. 739, informing the Senate that the Speaker on April 25, 2005, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 944, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 945, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 1579, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 1580, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 1583, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 1584, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

S.B. No. 1808, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs,

was placed on file.

Hse. Com. No. 740, informing the Senate that the Speaker on April 25, 2005, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 256 (S.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

H.B. No. 260 (S.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

H.B. No. 263 (S.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

H.B. No. 1597 (S.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses.

H.B. No. 1599 (S.D. 1):

Representatives Caldwell, Takamine, co-chairs; Moses,
was placed on file.

Hse. Com. No. 741, informing the Senate that the Speaker on April 26, 2005, made the following change to the conferees on the following bill:

S.B. No. 1808, S.D. 1 (H.D. 1):

Appointed Representative Shimabukuro as a manager,
was placed on file.

CONFERENCE COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1483, S.D. 1, presented a report (Conf. Com. Rep. No. 1) recommending that S.B. No. 1483, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1 and S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR WAIMEA COUNTRY SCHOOL," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 77, S.D. 1, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 77, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2 and S.B. No. 77, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 459, S.D. 2, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 459, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 3 and S.B. No. 459, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1816) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

JANE KNOX, in accordance with Gov. Msg. No. 651;

LARRY M. LITTLETON, in accordance with Gov. Msg. No. 652; and

KRISTINE K. H. PAGANO, in accordance with Gov. Msg. No. 653.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1816 and Gov. Msg. Nos. 651, 652 and 653 was deferred until Wednesday, April 27, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1817) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

THOMAS CONTRADES, in accordance with Gov. Msg. No. 629;

DUANE KANUHA, in accordance with Gov. Msg. No. 630; and

RANSOM A.K. PILTZ, in accordance with Gov. Msg. No. 631.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1817 and Gov. Msg. Nos. 629, 630 and 631 was deferred until Wednesday, April 27, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1818) recommending that H.C.R. No. 262, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1818 and H.C.R. No. 262, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TRAINING PROGRAM IN

CONJUNCTION WITH THE LOCAL REAL ESTATE APPRAISER'S NATIONAL ORGANIZATION AS PART OF THEIR PROFESSIONAL EDUCATIONAL SEMINARS TO TRAIN REAL ESTATE APPRAISERS TO USE THE INCOME CAPITALIZATION APPROACH TO SET LEASE RENT RATES FOR STATE AGRICULTURAL LEASE REOPENING," was deferred until Wednesday, April 27, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1819) recommending that H.C.R. No. 293, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1819 and H.C.R. No. 293, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COMMISSION ON WATER RESOURCE MANAGEMENT TO FULFILL ITS CONSTITUTIONAL AND STATUTORY MANDATE TO PROTECT PUBLIC TRUST INSTREAM USES," was deferred until Wednesday, April 27, 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. 1820) recommending that H.C.R. No. 40, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1820 and H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE COUNCIL ON DEVELOPMENTAL DISABILITIES TO CONTINUE TO CONVENE THE RESIDENTIAL SETTINGS TASK FORCE TO IDENTIFY ISSUES AND SOLUTIONS REGARDING INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES AND THEIR CHOICE OF RESIDENTIAL SETTING," was deferred until Wednesday, April 27, 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. 1821) recommending that H.C.R. No. 95 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1821 and 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 deferred until Wednesday, April 27, 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. 1822) recommending that H.C.R. No. 96 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1822 and 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 deferred until Wednesday, April 27, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1823) recommending that H.C.R. No. 99 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1823 and H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF ALL OF HAWAII'S AIRPORTS AS SMOKE-FREE AREAS FROM

AIRPLANE CABIN TO AIRPORT CURB," was deferred until Wednesday, April 27, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1824) recommending that H.C.R. No. 255, H.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1824 and H.C.R. No. 255, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING AN INTERIM TASK FORCE ON THE ACCESSIBILITY OF MENTAL HEALTH CARE TO CONSIDER THE FEASIBILITY OF THE STATE AUTHORIZING TRAINED AND SUPERVISED PSYCHOLOGISTS TO SAFELY PRESCRIBE PSYCHOTROPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS," was deferred until Wednesday, April 27, 2005.

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:48 o'clock a.m.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTER DEFERRED FROM MONDAY, APRIL 25, 2005

Stand. Com. Rep. No. 1771 (Gov. Msg. No. 583):

Senator Menor moved that Stand. Com. Rep. No. 1771 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 CHARLES A. STED to the Board of Directors of the Housing and Community Development Corporation of Hawaii (HCDCH), term to expire June 30, 2009, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

FINAL READING

S.B. No. 527, S.D. 2, 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. 527, S.D. 2, and S.B. No. 527, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1809 (Gov. Msg. Nos. 604, 605, 606, 607, 608, 609, 610 and 611):

Senator Hanabusa moved that Stand. Com. Rep. No. 1809 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

CHARLES A. EHRHORN, term to expire June 30, 2007 (Gov. Msg. No. 604);

ALICE U. GREENWOOD, term to expire June 30, 2009 (Gov. Msg. No. 605);

ANALU K. JOSEPHIDES, term to expire June 30, 2008 (Gov. Msg. No. 606);

ANDREW K.T. KELIIOA, term to expire June 30, 2009 (Gov. Msg. No. 607);

AARON D. MAHI, term to expire June 30, 2009 (Gov. Msg. No. 608);

MARK KAWIKA MCKEAGUE, term to expire June 30, 2009 (Gov. Msg. No. 609);

JACE L. MCQUIVEY, term to expire June 30, 2009 (Gov. Msg. No. 610); and

LINDA PAIK-MATSUURA, term to expire June 30, 2008 (Gov. Msg. No. 611),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1810 (Gov. Msg. No. 696):

Senator Hanabusa moved that Stand. Com. Rep. No. 1810 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of MARY VERDINE S.O. KONG to the Correctional Industries Advisory Committee, term to expire June 30, 2008, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1811 (Gov. Msg. No. 693):

Senator Hanabusa moved that Stand. Com. Rep. No. 1811 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of LESLIE ALAN UEOKA to the Civil Rights Commission, term to expire June 30, 2008, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1812 (Gov. Msg. Nos. 707 and 708):

Senator Hanabusa moved that Stand. Com. Rep. No. 1812 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

ROSEMARIE (BILLIE) I. BACLIG, term to expire June 30, 2009 (Gov. Msg. No. 707); and

MALIA P. KAMAHA, term to expire June 30, 2009 (Gov. Msg. No. 708),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1813 (Gov. Msg. No. 775):

Senator Hanabusa moved that Stand. Com. Rep. No. 1813 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of GIL SILVA to the Board of Registration of the Island of Hawaii, term to expire June 30, 2009, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1814 (Gov. Msg. No. 750):

Senator Hanabusa moved that Stand. Com. Rep. No. 1814 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of WINIFRED PELE HANOA to the Island Burial Council, Island of Hawaii, term to expire June 30, 2009, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

**APPOINTMENT AND DISCHARGE
OF CONFEREES**

S.B. No. 568, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 568, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Menor, co-chair; Chun Oakland, Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 807, S.D. 1 (H.D. 1):

The President discharged Senator Kanno as chair and Senator Taniguchi as a co-chair and appointed Senator

Taniguchi as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 807, S.D. 1.

H.B. No. 1528, H.D. 2 (S.D. 2):

The President discharged Senator Kanno as chair and Senator Taniguchi as a co-chair and appointed Senator Taniguchi as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1528, H.D. 2.

S.C.R. No. 227, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 227, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, co-chair; Fukunaga, Trimble as managers on the part of the Senate at such conference.

ADJOURNMENT

At 11:49 o'clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 27, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate