

FIFTY-SIXTH DAY

Wednesday, April 27, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Dennis Brown, Big Brothers/Big Sisters of Honolulu, after which the Roll was called showing all Senators present with the exception of Senators Kim and Sakamoto who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 839 to 847) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 839, informing the Senate that on April 26, 2005, she signed into law House Bill No. 1118 as Act 30, entitled: "RELATING TO NURSES," was placed on file.

Gov. Msg. No. 840, informing the Senate that on April 26, 2005, she signed into law Senate Bill No. 1802 as Act 31, entitled: "RELATING TO CAPTIVE INSURANCE," was placed on file.

Gov. Msg. No. 841, letter dated April 21, 2005, notifying the Senate that the decision of the arbitration panel for Bargaining Units 2, 3, 4, 6, 8, and 13, represented by Hawaii Government Employees Association (HGEA) was received on April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 263 in its entirety to fund the settlement, was placed on file.

Gov. Msg. No. 842, letter dated April 21, 2005, notifying the Senate that the decision of the arbitration panel for Bargaining Unit 9, represented by Hawaii Government Employees Association (HGEA) was received on April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 258 in its entirety to fund the settlement, was placed on file.

Gov. Msg. No. 843, letter dated April 25, 2005, notifying the Senate that the Hawaii State Teachers Association and the employer entered into a tentative agreement concerning Bargaining Unit 5 on April 23, 2005; transmitting summaries of the included and excluded requirements of the settlement for the upcoming fiscal biennium in anticipation of the union ratification to facilitate meeting the legislative timetable; and transmitting a proposed conference draft amending H.B. No. 254 that will become effective July 1, 2005, was placed on file.

Gov. Msg. No. 844, letter dated April 26, 2005, notifying the Senate that the United Public Workers and the employer entered into a tentative agreement concerning Bargaining Units 1 and 10 on April 23, 2005; transmitting summaries of the included and excluded requirements of the settlement for the upcoming fiscal biennium in anticipation of the union ratification to facilitate meeting the legislative timetable; and transmitting a proposed conference draft amending H.B. No. 250 in its entirety to fund the settlement, was placed on file.

Gov. Msg. No. 845, letter dated April 26, 2005, notifying the Senate that the decision of the arbitration panel for Bargaining Units 2, 3, 4, 6, 8, 9, and 13, represented by Hawaii Government Employees Association (HGEA) was received on

April 15, 2005, and transmitting a proposed conference draft amending H.B. No. 1599 in its entirety to fund HEUHBTF costs, was placed on file.

Gov. Msg. No. 846, advising the Senate of the withdrawal of the nominations of:

KARL P. ESPALDON to the Hawaii Commission for National and Community Service, under Gov. Msg. No. 491, dated March 24, 2005; and

ANDREW K. ARCE to the Molokai Irrigation System Water Users Advisory Board, under Gov. Msg. No. 762, dated April 15, 2005,

was placed on file.

In compliance with Gov. Msg. No. 846, the nominations listed under Gov. Msg. Nos. 491 and 762 were returned.

Gov. Msg. No. 847, advising the Senate of the withdrawal of the nominations of:

BERTON HAMAMOTO CRB, CRS to the Board of Land and Natural Resources, under Gov. Msg. No. 627, dated April 11, 2005; and

JAMES M. LOWSON to the Board of Land and Natural Resources, under Gov. Msg. No. 628, dated April 11, 2005,

was placed on file.

In compliance with Gov. Msg. No. 847, the nominations listed under Gov. Msg. Nos. 627 and 628 were returned.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 35, from the State Auditor dated April 26, 2005, transmitting a report, "Audit of the Office of Hawaiian Affairs," (Report No. 05-03), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 742 to 748) were read by the Clerk and were placed on file:

Hse. Com. No. 742, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 155, H.D. 1, and H.B. No. 155, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 26, 2005.

Hse. Com. No. 743, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 516, H.D. 2, and H.B. No. 516, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 26, 2005.

Hse. Com. No. 744, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 683, H.D. 1, and H.B. No. 683, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 26, 2005.

Hse. Com. No. 745, 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. 685, (S.D. 1).

Hse. Com. No. 746, 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. 835, H.D. 2 (S.D. 1).

Hse. Com. No. 747, 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. 1015, H.D. 2 (S.D. 1).

Hse. Com. No. 748, 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. 1666, H.D. 1 (S.D. 1).

CONFERENCE COMMITTEE REPORTS

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. 1843, S.D. 1, presented a report (Conf. Com. Rep. No. 4) recommending that S.B. No. 1843, S.D. 1, H.D. 2, 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. 4 and S.B. No. 1843, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," 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. 761, S.D. 2, presented a report (Conf. Com. Rep. No. 5) recommending that S.B. No. 761, 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. 5 and S.B. No. 761, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," 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. 122, S.D. 1, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 122, S.D. 1, H.D. 3, 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. 6 and S.B. No. 122, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATIENT SAFETY," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1003, S.D. 2, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 1003, S.D. 2, H.D. 2, 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. 7 and S.B. No. 1003, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NET ENERGY METERING," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1903, S.D. 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 1903, 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. 8 and S.B. No. 1903, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SEAWATER AIR CONDITIONING," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 295, H.D. 2, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 295, H.D. 2, S.D. 2, 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. 51 and H.B. No. 295, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1320, H.D. 1, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1320, H.D. 1, S.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. 52 and H.B. No. 1320, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY 911," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 606, H.D. 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 606, H.D. 1, S.D. 2, 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. 53 and H.B. No. 606, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS FOR NET METERED RENEWABLE ENERGY SYSTEMS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 712, H.D. 2, presented a report (Conf. Com. Rep. No. 54) recommending that H.B. No. 712, H.D. 2, S.D. 2, 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. 54 and H.B. No. 712, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VIOLATIONS OF CHAPTER 6E," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 864, presented a report (Conf. Com. Rep. No. 55) recommending that H.B. No. 864, S.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. 55 and H.B. No. 864, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 1825) recommending that the Senate advise and consent to the nomination of JAMES J. RODRIGUES to the Environmental Council, in accordance with Gov. Msg. No. 705.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1825 and Gov. Msg. No. 705 was deferred until Thursday, April 28, 2005.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 1826) recommending that the Senate advise and consent to the nomination of JEFFREY T. PEARSON to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 790.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1826 and Gov. Msg. No. 790 was deferred until Thursday, April 28, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1827) recommending that H.C.R. No. 165 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1827 and H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING ESTATE GROWN HAWAII NONI AND ENCOURAGING CONSUMERS TO PURCHASE AND SUPPORT ESTATE GROWN HAWAII NONI AND THE LOCAL NONI INDUSTRY," was deferred until Thursday, April 28, 2005.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1828) recommending that H.C.R. No. 58 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1828 and H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FISCAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES' USE OF FEDERAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES FUNDS," was deferred until Thursday, April 28, 2005.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1829) recommending that H.C.R. No. 105 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 H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE VARIOUS COUNTY COUNCILS TO PROVIDE RELIEF TO RESIDENTS ON FIXED INCOMES WHO ARE UNABLE TO AFFORD HIGHER PROPERTY TAXES," 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. 1830) recommending that H.C.R. No. 175, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1830 and H.C.R. No. 175, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT

A PILOT PUBLIC-PRIVATE PARTNERSHIP PROGRAM WITH THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT WITH THE GOAL OF ALLOWING THE HAWAII ASSOCIATION OF INDEPENDENT SCHOOLS AND HAWAII CATHOLIC SCHOOLS DEPARTMENT TO SELF-REGULATE AND MANAGE THEIR PRIVATE PRESCHOOLS," was deferred until Thursday, April 28, 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. 1831) recommending that H.C.R. No. 277 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1831 and H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A ONE-YEAR EXTENSION OF THE STATEWIDE INTERAGENCY TASK FORCE TO CONTINUE TO DEVELOP A PLAN FOR COORDINATION AND EXPANSION OF SERVICES PROVIDED THROUGH HEALTHY START TO YOUNG CHILDREN AND THEIR FAMILIES," was deferred until Thursday, April 28, 2005.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1832) recommending that H.C.R. No. 278 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1832 and H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO POST TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BUDGET INFORMATION ON ITS WEBSITE FOR PUBLIC REVIEW," was deferred until Thursday, April 28, 2005.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1833) recommending that the Senate advise and consent to the nomination of RALPH CUSHNIE to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 477.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1833 and Gov. Msg. No. 477 was deferred until Thursday, April 28, 2005.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1834) recommending that H.C.R. No. 270, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1834 and 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 deferred until Thursday, April 28, 2005.

Senators Kanno and Chun Oakland, for the Committee on Labor and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 1835) recommending that H.C.R. No. 265, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1835 and H.C.R. No. 265, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO REINSTATE THE SOCIAL WORKER SERIES IN ITS CLASSIFICATION AND COMPENSATION PLAN," was deferred until Thursday, April 28, 2005.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1816 (Gov. Msg. Nos. 651, 652 and 653):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1816 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

JANE KNOX, term to expire June 30, 2009 (Gov. Msg. No. 651);

LARRY M. LITTLETON, term to expire June 30, 2009 (Gov. Msg. No. 652); and

KRISTINE K. H. PAGANO, term to expire June 30, 2009 (Gov. Msg. No. 653),

seconded by Senator Fukunaga.

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

Ayes, 20. Noes, none. Excused, 5 (Ihara, Kim, Menor, Sakamoto, Taniguchi).

Stand. Com. Rep. No. 1817 (Gov. Msg. Nos. 629, 630 and 631):

Senator Kokubun moved that Stand. Com. Rep. No. 1817 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

THOMAS CONTRADES, term to expire June 30, 2009 (Gov. Msg. No. 629);

DUANE KANUHA, term to expire June 30, 2009 (Gov. Msg. No. 630); and

RANSOM A.K. PILTZ, term to expire June 30, 2006 (Gov. Msg. No. 631),

seconded by Senator Hooser.

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

Ayes, 20. Noes, none. Excused, 5 (Ihara, Kim, Menor, Sakamoto, Taniguchi).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 26, 2005

Stand. Com. Rep. No. 1818 (H.C.R. No. 262, H.D. 1):

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

Stand. Com. Rep. No. 1819 (H.C.R. No. 293, H.D. 1):

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

Stand. Com. Rep. No. 1820 (H.C.R. No. 40, 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. 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 adopted.

Stand. Com. Rep. No. 1821 (H.C.R. No. 95):

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

Stand. Com. Rep. No. 1822 (H.C.R. No. 96):

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

Stand. Com. Rep. No. 1823 (H.C.R. No. 99):

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

Stand. Com. Rep. No. 1824 (H.C.R. No. 255, H.D. 2):

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

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 667, S.D. 2 (H.D. 2):

Senator Hee moved that the Senate reconsider its action taken on April 14, 2005, in disagreeing to the amendments proposed by the House to S.B. No. 667, S.D. 2, seconded by Senator Tsutsui and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 667, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Hee, Slom). Noes, none. Excused, 1 (Taniguchi).

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 667, S.D. 2, seconded by Senator Tsutsui.

Senator Hee noted:

"Mr. President, the reason we're agreeing to the House draft is because the Chair of the Committee on Ways and Means reviewed the matter from a fiscal point of view and recommended that we agree to the House."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 667, S.D. 2, and S.B. No. 667, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR FLOOD LOSSES," was placed on the calendar for Final Reading on Thursday, April 28, 2005.

S.C.R. No. 7 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 26, 2005, in disagreeing to the amendments proposed by the House to S.C.R. No. 7, seconded by Senator Chun Oakland and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 7, seconded by Senator Chun Oakland.

Senator Baker noted:

"Mr. President, the House made only some minor additions in the paragraph that deals with the number of people that will be coming together to come up with the strategic plan and their additions were acceptable to the Senate Committee."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 7 and S.C.R. No. 7, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE STRATEGIC PLAN TO PROMOTE OBESITY PREVENTION AND HEALTHY LIFESTYLES," was placed on the calendar for Final Adoption on Thursday, April 28, 2005.

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

The Senate reconvened at 11:49 o'clock a.m.

Senator Espero, Chair of the Committee on Business and Economic Development, requested that the referral of H.C.R. No. 111 to the Committee on Business and Economic Development and the Committee on Media, Arts, Science and Technology be waived.

Senator Espero noted:

"Mr. President, H.C.R. No. 111, H.D. 2, urges the Department of Business, Economic Development, and Tourism to establish a permanent state cultural public market within the Hawaii Community Development Authority. The reason for the waiver is time constraints."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Thursday, April 28, 2005:

H.C.R. No. 111, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO ESTABLISH A PERMANENT STATE CULTURAL PUBLIC MARKET WITHIN THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

At this time, Senator Slom extended happy birthday wishes to Senator Trimble on behalf of the Senate.

APPOINTMENT OF CONFEREES

S.C.R. No. 40, 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. 40, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kim, chair; Espero, Tsutsui, co-chairs; Nishihara, Taniguchi, Slom as managers on the part of the Senate at such conference.

S.C.R. No. 92, 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. 92, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; English, co-chair; Hemmings as managers on the part of the Senate at such conference.

S.C.R. No. 186, 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. 186, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Ige, co-chair; Hooser, Ihara, Inouye, Hogue as managers on the part of the Senate at such conference.

S.C.R. No. 207 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 207, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; English, co-chair; Hemmings as managers on the part of the Senate at such conference.

S.C.R. No. 208, 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. 208, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; English, Espero, co-chairs; Hemmings as managers on the part of the Senate at such conference.

ADJOURNMENT

At 11:54 o'clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 6:30 o'clock p.m., Thursday, April 28, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate