

## THIRTY-SIXTH DAY

## Wednesday, March 22, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:41 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Hee, Inouye, Kanno, Nishihara and Trimble who were excused.

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

## HOUSE COMMUNICATION

Hse. Com. No. 355, transmitting H.C.R. No. 45, which was adopted by the House of Representatives on March 21, 2006, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," was referred jointly to the Committee on Education and Military Affairs and the Committee on Human Services.

## STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3004) recommending that H.B. No. 1917, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1917, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," passed Second Reading and 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. 3005) recommending that H.B. No. 1918, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1918, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," passed Second Reading and 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. 3006) recommending that H.B. No. 2303, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2303, H.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and 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. 3007) recommending that H.B. No. 2625, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2625, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS," passed Second Reading and 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. 3008) recommending that H.B. No. 2823, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2823, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS DAY," passed Second Reading and 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. 3009) recommending that H.B. No. 1983, 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 Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1983, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3010) recommending that H.B. No. 2207, 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 Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3011) recommending that H.B. No. 2898, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3012) recommending that H.B. No. 2899, 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 Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3013) recommending that H.B. No. 2900 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3014) recommending that H.B. No. 2098, 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 Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2098, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 24, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3015) recommending that H.B. No. 2278, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2278, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and 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. 3016) recommending that H.B. No. 2540, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2540, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3017) recommending that H.B. No. 3259, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 3259, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed Second Reading and 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. 3018) recommending that H.B. No. 1879, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1879, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Menor, for the Committee on Media, Arts, Science and Technology and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3019) recommending that H.B. No. 3244, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 3244, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Second Reading and was referred jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3020) recommending that H.B. No. 2806, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2806, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and 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. 3021) recommending that H.B. No. 2772, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2772, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3022) recommending that H.B. No. 2147, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2147, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING WATER

STORAGE FACILITIES,” passed Second Reading and 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. 3023) recommending that H.B. No. 2763, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2763, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG,” passed Second Reading and 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. 3024) recommending that H.B. No. 2133, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2133, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM,” passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators English and Hanabusa, for the Committee on Energy, Environment, and International Affairs and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3025) recommending that H.B. No. 3216, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 3216, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHŌ‘OLAWĒ,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3026) recommending that H.B. No. 2050, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2050, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING,” passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3027) recommending that H.B. No. 1889, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1889, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep.

No. 3028) recommending that H.B. No. 1890, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1890, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Hanabusa, for the Committee on Transportation and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3029) recommending that H.B. No. 439, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 439, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 3030) recommending that H.B. No. 2075, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2075, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3031) recommending that H.B. No. 2404, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2404, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS,” passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Hanabusa, for the Committee on Transportation and Government Operations and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 3032) recommending that H.B. No. 2778, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2778, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3033) recommending that H.B. No. 2539, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2539, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Sakamoto and Hee, for the Committee on Education and Military Affairs and the Committee on Higher Education, presented a joint report (Stand. Com. Rep. No. 3034) recommending that H.B. No. 2182, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.B. No. 2182, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 3035) recommending that H.B. No. 3235, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 3235, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Second Reading and was referred to the Committee on Ways and Means.

**ORDER OF THE DAY**

**ADOPTION OF RESOLUTIONS**

**MATTERS DEFERRED FROM TUESDAY, MARCH 21, 2006**

H.C.R. No. 329:

Senator Baker moved that H.C.R. No. 329 be adopted, seconded by Senator Hogue.

Senator Sakamoto rose in support of the measure as follows:

"Mr. President, I rise in support of H.C.R. No. 329.

"Last year the Legislature passed Act 21 which created the Hawaii Medal of Honor to express the people of Hawaii's deep appreciation to the loved ones of military members who sacrificed their lives in defense of our nation and its freedoms. This measure before us lists names of 122 individuals killed in action while serving in dangerous and volatile areas of the world including Iraq and Afghanistan.

"This measure also calls for the two Houses of the Legislature to assemble in Joint Session on April 18<sup>th</sup> for the purpose of presenting the Medals of Honor to the honorees' families. Fellow colleagues, I ask you to vote in favor of this measure and of this resolution with gratitude and appreciation for those who have died serving their country.

"Thank you, Mr. President."

The motion was put by the Chair and carried, H.C.R. No. 329, entitled: "HOUSE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE

SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was adopted.

Stand. Com. Rep. No. 2986 (S.R. No. 19):

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 19, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROVE THE PROPOSED HAWAII INVASIVE SPECIES ACT," was adopted.

Stand. Com. Rep. No. 2987 (S.C.R. No. 36):

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROVE THE PROPOSED HAWAII INVASIVE SPECIES ACT," was adopted.

Stand. Com. Rep. No. 2992 (S.C.R. No. 37, S.D. 1):

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was adopted.

**REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM TUESDAY, MARCH 21, 2006**

The President made the following committee assignments of House concurrent resolutions that were received on Monday, March 20, 2006:

House Concurrent Resolution	Referred to:
No. 46 Affairs	Committee on Education and Military Affairs
No. 47 Affairs	Committee on Education and Military Affairs

**RE-REFERRAL OF HOUSE BILLS**

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 237, H.D. 3 Affairs	Committee on Judiciary and Hawaiian Affairs
No. 2443, H.D. 1	Jointly to the Committee on Transportation and Government Operations and the Committee on Ways and Means

**ADJOURNMENT**

At 11:50 o'clock a.m., on motion by Senator Baker, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 23, 2006.