

FORTIETH DAY

Thursday, March 30, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Wendy Tajima, Waipahu United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senator Trimble who was excused.

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

At 12:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:13 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 362 and 363) were read by the Clerk and were placed on file:

Gov. Msg. No. 362, dated February 22, 2006, transmitting the Hawaii Coastal Zone Management Program Annual Report for Fiscal Year Ending June 30, 2005, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS.

Gov. Msg. No. 363, dated March 15, 2006, transmitting Hawaii's Sister State/Cities Program Report, prepared by the Department of Business, Economic Development and Tourism, Strategic Marketing and Support Division, pursuant to Section 201-84, HRS.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 367 to 385) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 367, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1983, H.D. 1 (S.D. 1);
H.B. No. 2098, H.D. 1 (S.D. 1);
H.B. No. 2207, H.D. 1 (S.D. 1);
H.B. No. 2898 (S.D. 1); and
H.B. No. 2899, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 368, returning S.B. No. 706, S.D. 2, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 706, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 369, returning S.B. No. 826, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 826 and requested a conference on the subject matter thereof.

Hse. Com. No. 370, returning S.B. No. 895, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 895, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 2255, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2255, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 2283, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2283, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 2430, S.D. 2, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2430, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 2501, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2501, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, returning S.B. No. 2506, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2506 and requested a conference on the subject matter thereof.

Hse. Com. No. 376, returning S.B. No. 2603, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2603, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 377, returning S.B. No. 2924, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2924, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 378, returning S.B. No. 2941, S.D. 1, which passed Third Reading in the House of Representatives on March 28, 2006, 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. 2941, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 379, transmitting H.C.R. No. 39, H.D. 1, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 39, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A HAWAII PORT AUTHORITY TASK FORCE TO DETERMINE THE FEASIBILITY OF ESTABLISHING A HAWAII PORT AUTHORITY," was referred jointly to the Committee on Transportation and Government Operations and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 380, transmitting H.C.R. No. 40, H.D. 1, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBOR USERS GROUP'S REPORT," was referred to the Committee on Transportation and Government Operations.

Hse. Com. No. 381, transmitting H.C.R. No. 43, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE NUMBER OF SAFETY SIGNS ALONG MAMALAOHA HIGHWAY AND QUEEN KAAHUMANU HIGHWAY AND TO EXPEDITE THE CREATION OF A DIVIDED HIGHWAY FROM KAILUA-KONA TO KAWAIHAE," was referred to the Committee on Transportation and Government Operations.

Hse. Com. No. 382, transmitting H.C.R. No. 51, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," was referred to the Committee on Commerce, Consumer Protection and Housing.

Hse. Com. No. 383, transmitting H.C.R. No. 54, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION OF THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was referred to the Committee on Transportation and Government Operations.

Hse. Com. No. 384, transmitting H.C.R. No. 79, which was adopted by the House of Representatives on March 28, 2006, was placed on file.

By unanimous consent, H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," was referred jointly to the Committee on Transportation and Government Operations and the Committee on Water, Land, and Agriculture.

Hse. Com. No. 385, informing the Senate that the Speaker on March 29, 2006, has discharged all House conferees listed on the House and Senate action sheets dated Tuesday, March 28, 2006, for the following bills:

- H.B. No. 97, H.D. 2, S.D. 2;
- H.B. No. 128, H.D. 2, S.D. 2;
- H.B. No. 138, H.D. 1, S.D. 1;
- H.B. No. 169, H.D. 1, S.D. 1;
- H.B. No. 214, H.D. 1, S.D. 1;
- H.B. No. 222, S.D. 2;
- H.B. No. 244, H.D. 1, S.D. 1;
- H.B. No. 256, S.D. 1;
- H.B. No. 328, S.D. 1;
- H.B. No. 330, H.D. 1, S.D. 2;
- H.B. No. 416, H.D. 2, S.D. 2;
- H.B. No. 429, H.D. 1, S.D. 1;
- H.B. No. 434, S.D. 1;
- H.B. No. 466, H.D. 2, S.D. 2;
- H.B. No. 471, H.D. 2, S.D. 2;
- H.B. No. 488, S.D. 2;
- H.B. No. 491, S.D. 2;
- H.B. No. 505, H.D. 1, S.D. 2;
- H.B. No. 584, H.D. 1, S.D. 1;
- H.B. No. 588, H.D. 1, S.D. 1;
- H.B. No. 644, H.D. 1, S.D. 1;
- H.B. No. 704, H.D. 1, S.D. 2;
- H.B. No. 792, H.D. 1, S.D. 2;
- H.B. No. 833, H.D. 1, S.D. 1;
- H.B. No. 842, S.D. 1;
- H.B. No. 862, H.D. 2, S.D. 2;
- H.B. No. 863, H.D. 2, S.D. 2;

H.B. No. 868, H.D. 2, S.D. 1;
 H.B. No. 875, H.D. 2, S.D. 2;
 H.B. No. 906, H.D. 1, S.D. 1;
 H.B. No. 912, H.D. 1, S.D. 1;
 H.B. No. 938, H.D. 1, S.D. 1;
 H.B. No. 954, H.D. 1, S.D. 2;
 H.B. No. 955, H.D. 1, S.D. 2;
 H.B. No. 957, H.D. 1, S.D. 1;
 H.B. No. 997, H.D. 1, S.D. 2;
 H.B. No. 998, H.D. 2, S.D. 2;
 H.B. No. 1082, H.D. 3, S.D. 2;
 H.B. No. 1132, H.D. 1, S.D. 2;
 H.B. No. 1136, H.D. 3, S.D. 2;
 H.B. No. 1152, H.D. 1, S.D. 1;
 H.B. No. 1200, H.D. 2, S.D. 2;
 H.B. No. 1214, H.D. 2, S.D. 2;
 H.B. No. 1278, H.D. 2, S.D. 1;
 H.B. No. 1280, H.D. 1, S.D. 2;
 H.B. No. 1303, H.D. 2, S.D. 2;
 H.B. No. 1331, H.D. 1, S.D. 2;
 H.B. No. 1360, H.D. 2, S.D. 2;
 H.B. No. 1433, S.D. 2;
 H.B. No. 1442, H.D. 2, S.D. 2;
 H.B. No. 1536, H.D. 1, S.D. 1;
 H.B. No. 1590, H.D. 2, S.D. 2;
 H.B. No. 1605, H.D. 1, S.D. 2;
 H.B. No. 1645, H.D. 1, S.D. 2;
 H.B. No. 1713, H.D. 1, S.D. 2;
 H.B. No. 1728, H.D. 1, S.D. 2;
 H.B. No. 1784, H.D. 2, S.D. 2;
 S.B. No. 97, S.D. 1, H.D. 1;
 S.B. No. 101, H.D. 1;
 S.B. No. 120, S.D. 1, H.D. 1;
 S.B. No. 244, S.D. 2, H.D. 1;
 S.B. No. 433, S.D. 2, H.D. 1;
 S.B. No. 440, S.D. 1, H.D. 1;
 S.B. No. 467, S.D. 2, H.D. 2;
 S.B. No. 486, S.D. 2, H.D. 1;
 S.B. No. 561, S.D. 1, H.D. 1;
 S.B. No. 575, S.D. 1, H.D. 1;
 S.B. No. 607, S.D. 1, H.D. 1;
 S.B. No. 637, S.D. 2, H.D. 1;
 S.B. No. 751, S.D. 2, H.D. 2;
 S.B. No. 801, S.D. 2, H.D. 1;
 S.B. No. 819, S.D. 1, H.D. 1;
 S.B. No. 873, S.D. 2, H.D. 2;
 S.B. No. 935, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 959, S.D. 2, H.D. 1;
 S.B. No. 971, S.D. 2, H.D. 1;
 S.B. No. 982, S.D. 2, H.D. 1;
 S.B. No. 1022, S.D. 1, H.D. 1;
 S.B. No. 1065, S.D. 2, H.D. 1;
 S.B. No. 1081, S.D. 2, H.D. 1;
 S.B. No. 1114, S.D. 1, H.D. 1;
 S.B. No. 1129, S.D. 2, H.D. 1;
 S.B. No. 1137, S.D. 1, H.D. 1, C.D. 1;
 S.B. No. 1141, S.D. 1, H.D. 2;
 S.B. No. 1193, S.D. 1, H.D. 1;
 S.B. No. 1201, S.D. 2, H.D. 3;
 S.B. No. 1221, S.D. 2, H.D. 1;
 S.B. No. 1268, S.D. 2, H.D. 2;
 S.B. No. 1410, S.D. 1, H.D. 1;
 S.B. No. 1461, S.D. 2, H.D. 1;
 S.B. No. 1557, S.D. 2, H.D. 2;
 S.B. No. 1583, S.D. 1, H.D. 1;
 S.B. No. 1584, S.D. 1, H.D. 1;
 S.B. No. 1636, S.D. 2, H.D. 1;
 S.B. No. 1650, S.D. 2, H.D. 1;
 S.B. No. 1695, S.D. 2, H.D. 2;
 S.B. No. 1697, S.D. 2, H.D. 1;
 S.B. No. 1698, S.D. 2, H.D. 1;

S.B. No. 1740, S.D. 1, H.D. 1;
 S.B. No. 1745, S.D. 1, H.D. 1;
 S.B. No. 1747, S.D. 2, H.D. 1;
 S.B. No. 1781, H.D. 1;
 S.B. No. 1792, S.D. 1, H.D. 1;
 S.B. No. 1854, S.D. 1, H.D. 2;
 S.B. No. 1888, S.D. 1, H.D. 1;
 S.B. No. 1893, H.D. 1; and
 S.B. No. 1897, S.D. 2, H.D. 2,

was placed on file.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 3170) recommending that the Senate advise and consent to the nomination of CHARLES K.H. AU to the Small Business Regulatory Review Board, in accordance with Gov. Msg. No. 250.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3170 and Gov. Msg. No. 250 was deferred until Friday, March 31, 2006.

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 3171) recommending that the Senate advise and consent to the nomination of JOHN ISOBE to the Community-Based Economic Development Advisory Council, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3171 and Gov. Msg. No. 258 was deferred until Friday, March 31, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3172) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Maui Service Area Board, of the following:

THOMAS E. ABBOTT SR., in accordance with Gov. Msg. No. 280;

DONNA DARLENE HANSEN, in accordance with Gov. Msg. No. 281; and

EILEEN ANNE LANG, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3172 and Gov. Msg. Nos. 280, 281 and 282 was deferred until Friday, March 31, 2006.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3173), recommending that S.R. No. 40, as amended in S.D. 1, be referred to the Committee on Education and Military Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 40, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REQUIRING THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCATE AND REMOVE CHEMICAL AND CONVENTIONAL MUNITIONS DUMPED AT SEA," was referred to the Committee on Education and Military Affairs.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3174), recommending that S.C.R. No. 63, as amended in S.D. 1, be referred to the Committee on Education and Military Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT LEGISLATION REQUIRING THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCATE AND REMOVE CHEMICAL AND CONVENTIONAL MUNITIONS DUMPED AT SEA," was referred to the Committee on Education and Military Affairs.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3175) recommending that H.B. No. 3250, 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. 3250, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3176) recommending that H.B. No. 386, 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. 386, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3177) recommending that H.B. No. 877, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 877, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3178) recommending that H.B. No. 1233, 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 majority of the Committee was adopted and H.B. No. 1233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3179) recommending that H.B. No. 2282, 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. 2282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3180) recommending that H.B. No. 2897, 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. 2897, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 3, 2006.

Senators English and Fukunaga, for the Committee on Energy, Environment, and International Affairs and the Committee on Media, Arts, Science and Technology, presented a joint report (Stand. Com. Rep. No. 3181) recommending that S.R. No. 54 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3181 and S.R. No. 54, entitled: "SENATE RESOLUTION RECOGNIZING THE IMPORTANCE OF A CULTURAL EXCHANGE BETWEEN THE PEOPLE OF HAWAII AND THE ISLAND OF RA'IA TEA AND REQUESTING KE ALA 'OLINO NATIVE CULTURAL CENTER TO CONVENE A TASK FORCE TO HELP FACILITATE A CULTURAL EXCHANGE," was deferred until Friday, March 31, 2006.

Senators English and Fukunaga, for the Committee on Energy, Environment, and International Affairs and the Committee on Media, Arts, Science and Technology, presented a joint report (Stand. Com. Rep. No. 3182) recommending that S.C.R. No. 83 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3182 and S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF A CULTURAL EXCHANGE BETWEEN THE PEOPLE OF HAWAII AND THE ISLAND OF RA'IA TEA AND REQUESTING KE ALA 'OLINO NATIVE CULTURAL CENTER TO CONVENE A TASK FORCE TO HELP FACILITATE A CULTURAL EXCHANGE," was deferred until Friday, March 31, 2006.

Senators Ige and Menor, for the Committee on Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3183) recommending that S.C.R. No. 107 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3183 and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTY COUNCILS TO ASSIST LOW-INCOME HOMEOWNERS," was deferred until Friday, March 31, 2006.

Senators Ige and Menor, for the Committee on Intergovernmental Affairs and the Committee on Commerce, Consumer Protection and Housing, presented a joint report (Stand. Com. Rep. No. 3184) recommending that S.R. No. 63 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3184 and S.R. No. 63, entitled: "SENATE RESOLUTION URGING THE COUNTY COUNCILS TO ASSIST LOW-INCOME HOMEOWNERS," was deferred until Friday, March 31, 2006.

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 28, 2006

Stand. Com. Rep. No. 3168 (S.R. No. 37):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 37, entitled: "SENATE RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Senator Hemmings voting "No."

Stand. Com. Rep. No. 3169 (S.C.R. No. 58):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Senator Hemmings voting "No."

THIRD READING

MATTERS DEFERRED FROM TUESDAY, MARCH 28, 2006

H.B. No. 1982, H.D. 2, S.D. 1:

Senator Fukunaga moved that H.B. No. 1982, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

Senator Fukunaga rose in support of the measure and said:

"Mr. President, I just wanted to share with the members that at decision-making a number of the proponents of this measure appeared before the TGO Committee; I will defer to my colleague, Senator Inouye, to talk a little bit about their arguments in favor of this measure.

"Thank you."

Senator Inouye rose in support of the measure and said:

"Mr. President, I speak in support of H.B. No. 1982.

"For your information, on behalf of Joel Itamura and his brother Dane, they came before us pleading with us to please keep the humuhumunukunukuapuaa in tact and that's their favorite fish. So on behalf of them, I ask my colleagues to please support this measure.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 1982, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Trimble).

H.B. No. 1984, H.D. 1, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Trimble).

H.B. No. 2299, H.D. 1, S.D. 1:

Senator Hanabusa moved that H.B. No. 2299, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Hogue rose with reservations and said:

"Mr. President, I'm going to rise and note my reservations on this.

"This particular measure, colleagues, specifies the exact procedure to be followed by the police when entering a home to arrest a person suspected of a crime. Apparently, I guess this originally was an administration measure but it's been amended and it is the amending language which I have concerns about because the police have had policy or procedures that they put forth and now they will be in statute. You can just imagine if, for example, a policeman did not speak these exact words, 'police; we have a warrant; open the door,' or 'police, open the door,' or there are certain exceptions. You can just imagine times when things maybe weren't said exactly right. Now they would be in statute. They would go to court. It would end up getting a potential conviction potentially tossed out.

"I think that this is a concern. It's certainly something that can be fixed, but I want to note my reservations at this time. Thank you."

The motion was put by the Chair and carried, H.B. No. 2299, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Trimble).

H.B. No. 2896:

By unanimous consent, H.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS," was recommitted to the Committee on Judiciary and Hawaiian Affairs.

H.B. No. 3253, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Trimble).

H.B. No. 2508, H.D. 2, S.D. 1:

On motion by Senator Inouye, seconded by Senator Ige and carried, H.B. No. 2508, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED

VEHICLE PUBLIC AUCTION REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Trimble).

**REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

**MATTERS DEFERRED FROM
TUESDAY, MARCH 28, 2006**

The President made the following committee assignments of House concurrent resolutions that were received on Thursday, March 23, 2006:

House
Concurrent
Resolution Referred to:

No. 19 Jointly to the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, then to the Committee on Transportation and Government Operations

No. 53 Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs

**RE-REFERRAL OF A
GOVERNOR'S MESSAGE**

The Chair re-referred the following governor's message that was received:

Governor's
Message Referred to:

No. 319 Committee on Business and Economic Development

RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 1368, H.D. 2 Committee on Water, Land, and Agriculture

No. 2265, H.D. 2 Committee on Judiciary and Hawaiian Affairs

**RE-REFERRAL OF A
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate
Concurrent
Resolution Referred to:

No. 49 Jointly to the Committee on Labor and the Committee on Intergovernmental Affairs

**RE-REFERRAL OF A
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate
Resolution Referred to:

No. 30 Jointly to the Committee on Labor and the Committee on Intergovernmental Affairs

ADJOURNMENT

At 12:19 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, March 31, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate