

THIRTEENTH DAY

Tuesday, February 8, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Lorraine R. Inouye, Hawaii State Senate, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Twelfth Day.

At 11:45 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.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 322 to 342) were read by the Clerk and were placed on file:

Gov. Msg. No. 322, dated January 31, 2005, transmitting the Small Business Regulatory Review Board Annual Report, prepared by the Department of Business, Economic Development, and Tourism, Business Assistance Branch, pursuant to Chapter 201M, HRS.

Gov. Msg. No. 323, dated January 31, 2005, transmitting the Small Business Regulatory Review Board Final Review of Agency Submitted Administrative Rules, prepared by the Department of Business, Economic Development and Tourism pursuant to Section 201M-7, HRS.

Gov. Msg. No. 324, dated February 2, 2005, transmitting the Annual Report Regarding School-Level Minor Repair and Maintenance, prepared by the Department of Education pursuant to Section 302A-1504, HRS.

Gov. Msg. No. 325, dated February 2, 2005, transmitting a Report on Carryover of Funds, prepared by the Department of Education pursuant to Section 37-41.5, HRS.

Gov. Msg. No. 326, dated February 2, 2005, transmitting a Report on the Philippine Student Exchange Program, prepared by the Department of Education pursuant to S.C.R. No. 164 (2004).

Gov. Msg. No. 327, dated February 2, 2005, transmitting a Report on the Federal Grant Search, Development, and Application Revolving Fund, prepared by the Department of Education pursuant to Section 302A-1405, HRS.

Gov. Msg. No. 328, dated February 2, 2005, transmitting a Report on the Two-Tier Junior Kindergarten and Kindergarten Program, prepared by the Department of Education pursuant to Act 219, SLH 2004.

Gov. Msg. No. 329, dated February 2, 2005, transmitting a Report on Hawaii 3R's School Repair and Maintenance Fund, prepared by the Department of Education pursuant to Acts 213, 41 and 51, SLH 2004.

Gov. Msg. No. 330, dated February 2, 2005, transmitting a Report on Robotics Education in Hawaii, prepared by the Department of Education pursuant to S.C.R. No. 131 (2004).

Gov. Msg. No. 331, dated February 2, 2005, transmitting the Annual Report of the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities, prepared by the Department of Health pursuant to Section 340B-12, HRS.

Gov. Msg. No. 332, dated February 2, 2005, transmitting the Annual Evaluation Report on Elder Programs, prepared by the Department of Health, Executive Office on Aging, pursuant to Section 349-5, HRS.

Gov. Msg. No. 333, dated February 2, 2005, transmitting the Annual Report on the Activities Under the Neurotrauma Special Fund, prepared by the Department of Health pursuant to Section 321H-4, HRS.

Gov. Msg. No. 334, dated February 2, 2005, transmitting the Annual Financial Report for the Domestic Violence Prevention Special Fund, prepared by the Department of Health pursuant to Section 321-1.3, HRS.

Gov. Msg. No. 335, dated February 2, 2005, transmitting a Report on Hawaii's Family Caregivers and the Older Adults to Whom They Provide Assistance, prepared by the Department of Health pursuant to H.C.R. No. 154 (2004).

Gov. Msg. No. 336, dated February 2, 2005, transmitting reports on the Environmental Response Law and Hawaii Community Right to Know Act Financial and Environmental Site Information; and the Revenues and Expenditures of the Environmental Response Revolving Fund for Fiscal Year 2004, prepared by the Department of Health pursuant to Chapters 128D and 128E, HRS; and Act 200, Section 18, SLH 2003.

Gov. Msg. No. 337, dated January 27, 2005, transmitting a Report Relating to the State Water Pollution Control Revolving Fund of the Department of Health, prepared by the Department of Health pursuant to Section 342D-82.

Gov. Msg. No. 338, dated January 31, 2005, transmitting the Annual Report Relating to the Forest Stewardship Program, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Section 195F-6, HRS.

Gov. Msg. No. 339, dated January 28, 2005, transmitting the Department of Transportation's Annual Report for Fiscal Year ending June 30, 2003.

Gov. Msg. No. 340, dated January 28, 2005, transmitting four reports prepared by the Department of Transportation: Relating to Government Operations, pursuant to Act 100, Section 7, SLH 1999; Requesting the Director of Transportation to Study the Advisability of Transferring the Vanpool Program to the Counties, pursuant to H.C.R. No. 171 (2004); Requesting the Department of Transportation to Study the Feasibility of, and Provide Cost Estimates for, the Installation of an Access Road on the Southern End of Kawaihae Harbor to Increase Access to the Small Boat Harbor and Beach Area, and for Other Harbor Improvements, pursuant to H.C.R. No. 179 (2004); and Special Maintenance Reports, pursuant to Act 200, SLH 2003 as amended by Act 41, SLH 2004.

Gov. Msg. No. 341, dated January 31, 2005, transmitting the Annual Report Relating to Invasive Species, prepared by the Department of Land and Natural Resources, Division of Forestry and Wildlife, pursuant to Act 41, SLH 2004.

Gov. Msg. No. 342, informing the Senate that on February 7, 2005, she signed into law Senate Bill No. 543 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 to 7) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 161, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 161, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 214, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 214, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed First Reading by title and was deferred.

Hse. Com. No. 7, transmitting H.B. No. 644, H.D. 1, which passed Third Reading in the House of Representatives on February 7, 2005, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 644, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POOLED INSURANCE," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 38) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 38 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW THE ACTIONS AND POLICIES OF THE DEPARTMENT OF THE ATTORNEY GENERAL WITH REGARD TO ITS INVESTIGATION AND PROSECUTION OF PUBLIC BENEFIT CORPORATIONS UNDER THE HAWAII NONPROFIT CORPORATIONS ACT."

Offered by: Senator Bunda, by request.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 5) recommending that S.B. No. 332, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Media, Arts, Science and Technology.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 332, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was recommitted to the Committee on Media, Arts, Science and Technology.

Senators Baker and Hanabusa, for the Committee on Health and the Committee on Judiciary and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 6) recommending that S.B. No. 128 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 128, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill	Referred to:
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No. 332, S.D. 1	Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Transportation and Government Operations, then to the Committee on Ways and Means
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No. 522	Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs, then to the Committee on Judiciary and Hawaiian Affairs
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No. 531	Jointly to the Committee on Intergovernmental Affairs and the Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
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No. 665	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
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No. 710	Jointly to the Committee on Business and Economic Development and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
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No. 803	Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
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No. 966	Jointly to the Committee on Business and Economic Development, the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means
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No. 1031	Jointly to the Committee on Human Services and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
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No. 1374	Jointly to the Committee on Business and Economic Development, the Committee on Energy, Environment, and International Affairs and the Committee on Media, Arts, Science and Technology, then to the Committee on Ways and Means
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No. 1440	Jointly to the Committee on Health, the Committee on Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
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No. 1587 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means

No. 1713 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means

No. 1751 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1817 Jointly to the Committee on Education and Military Affairs and the Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 9, from Honolulu Seawater Air Conditioning, LLC, dated February 2, 2005, transmitting the Feasibility Analysis of Using Seawater Air Conditioning in State of Hawaii Buildings, pursuant to S.C.R. No. 169 (2004), was read by the Clerk and was placed on file.

Senator Fukunaga, Chair of the Committee on Media, Arts, Science and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. Nos. 332 and 785.

Senator Fukunaga noted:

“Mr. President, S.B. No. 332 proposes to exempt the High Tech Development Corporation and Natural Energy Laboratory of Hawaii Authority from the State Procurement Code and S.B. No. 785 allows public meetings by video teleconference to continue.”

The Chair then granted the waiver.

ADJOURNMENT

At 11:51 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, February 9, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate