

TWENTY-FOURTH DAY

Thursday, March 2, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Jill Shitamoto, after which the Roll was called showing all Senators present with the exception of Senator Hanabusa who was excused.

The President announced that he had read and approved the Journal of the Twenty-Third Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 300 and 301) were read by the Clerk and were placed on file:

Gov. Msg. No. 300, dated February 9, 2006, transmitting the Hawaii Ocean Resources Management Plan 2005 Status Report for Calendar Year Ending December 31, 2005, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, Hawaii Coastal Zone Management Program, pursuant to S.C.R. No. 137 (2005).

Gov. Msg. No. 301, dated February 14, 2006, transmitting the 2005 OYS Annual Report for Fiscal Year 2005, prepared by the Office of Youth Services pursuant to Section 352D-6, HRS, and Act 151, Section 4, SLH 1991.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 35 and 36) were read by the Clerk and were referred to committees:

Hse. Com. No. 35, transmitting H.B. No. 1920, which passed Third Reading in the House of Representatives on February 22, 2006, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 36, transmitting H.B. No. 2210, which passed Third Reading in the House of Representatives on February 22, 2006, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 2210, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," passed First Reading by title and was referred to the Committee on Education and Military Affairs, then to the Committee on Ways and Means.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 28 to 33) were read by the Clerk and were referred to committees or deferred:

Senate Concurrent Resolution

No. 28 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE FOUR-WHEEL-DRIVE

COMPACTED ROADS FOR THE KAHIKINUI HOMESTEAD."

Offered by: Senator Hanabusa.

Referred to: Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation and Government Operations

No. 29 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO APPOINT A COMMITTEE TO RESEARCH NATIVE GOVERNMENTS TO IDENTIFY NATIVE JUSTICE SYSTEMS AND MAKE RECOMMENDATIONS ON A JUSTICE SYSTEM APPROPRIATE FOR HAWAIIAN HOME LANDS."

Offered by: Senator Hanabusa.

Referred to: Committee on Judiciary and Hawaiian Affairs

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE BUREAU OF CONVEYANCES TO ALLOW A DEFENDANT TO FILE A SATISFACTION OF JUDGMENT."

Offered by: Senators Hooser, Sakamoto, Ige, Nishihara, English, Kokubun, Espero, Inouye, Chun Oakland, Kim, Baker, Fukunaga, Slom, Trimble, Kanno.

Referred to: Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF PROPOSED REGULATORY MEASURES REQUIRING PROFESSIONAL LICENSURE OF GENETIC COUNSELORS."

Offered by: Senator Baker.

Referred to: Committee on Health, then to the Committee on Commerce, Consumer Protection and Housing

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO INVESTIGATE POSSIBLE PROCUREMENT CODE VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."

Offered by: Senators Hanabusa, Kim, Tsutsui, Hooser, English, Nishihara, Espero, Sakamoto, Chun Oakland.

Referred to: Jointly to the Committee on Business and Economic Development and the Committee on Transportation and Government Operations, then to the Committee on Judiciary and Hawaiian Affairs

No. 33 "SENATE 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 HARBORS USER GROUP'S REPORT."

Offered by: Senator Inouye.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 14 to 17) were read by the Clerk and were referred to committees or deferred:

Senate Resolution

No. 14 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE FOUR-WHEEL-DRIVE COMPACTED ROADS FOR THE KAHIKINUI HOMESTEAD."

Offered by: Senator Hanabusa.

Referred to: Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Transportation and Government Operations

No. 15 "SENATE RESOLUTION REQUESTING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO APPOINT A COMMITTEE TO RESEARCH NATIVE GOVERNMENTS TO IDENTIFY NATIVE JUSTICE SYSTEMS AND MAKE RECOMMENDATIONS ON A JUSTICE SYSTEM APPROPRIATE FOR HAWAIIAN HOME LANDS."

Offered by: Senator Hanabusa.

Referred to: Committee on Judiciary and Hawaiian Affairs

No. 16 "SENATE RESOLUTION REQUESTING THE BUREAU OF CONVEYANCES TO ALLOW A DEFENDANT TO FILE A SATISFACTION OF JUDGMENT."

Offered by: Senators Hooser, Sakamoto, Ige, Nishihara, English, Kokubun, Espero, Inouye, Chun Oakland, Kim, Baker, Fukunaga, Slom, Trimble, Kanno.

Referred to: Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 17 "SENATE 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 HARBORS USER GROUP'S REPORT."

Offered by: Senator Inouye.

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.

STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2547) recommending that S.B. No. 2244, 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 S.B. No. 2244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2548) recommending that S.B. No. 2259, 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 S.B. No. 2259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2549) recommending that S.B. No. 2600, 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 S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2550) recommending that S.B. No. 2946, 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 S.B. No. 2946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2551) recommending that S.B. No. 173, as amended in S.D. 1, pass First Reading and be recommitted to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed First Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

Senators English and Kokubun, for the Committee on Energy, Environment, and International Affairs and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2552) recommending that S.B. No. 2679, 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 joint report of the Committees was adopted and S.B. No. 2679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senators English and Kokubun, for the Committee on Energy, Environment, and International Affairs and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 2553) recommending that S.B. No. 3170, 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 joint report of the Committees was adopted and S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 2554) recommending that the Senate advise and consent to the nomination of MYRON H. NOMURA to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 295.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2554 and Gov. Msg. No. 295 was deferred until Friday, March 3, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2555) recommending that S.B. No. 627, 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 S.B. No. 627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2556) recommending that S.B. No. 1061 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 S.B. No. 1061, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2557) recommending that S.B. No. 2260, 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 S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO SENTENCING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2558) recommending that S.B. No. 2265, 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 S.B. No. 2265, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2559) recommending that S.B. No. 2489 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 S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2560) recommending that S.B. No. 2503, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2560 and S.B. No. 2503, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2561) recommending that S.B. No. 2506 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2561 and S.B. No. 2506, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2562) recommending that S.B. No. 2558, 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 S.B. No. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2563) recommending that S.B. No. 2576, 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 S.B. No. 2576, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and

was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2564) recommending that S.B. No. 2603, 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 S.B. No. 2603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2565) recommending that S.B. No. 2922, 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 S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2566) recommending that S.B. No. 3279, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2566 and S.B. No. 3279, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2567) recommending that S.B. No. 3262, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2567 and S.B. No. 3262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2568) recommending that S.B. No. 2581, 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 S.B. No. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2569) recommending that S.B. No. 2941, 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 S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO BRUSH FIRES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2570) recommending that S.B. No. 2073, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2570 and S.B. No. 2073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2571) recommending that S.B. No. 2263, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2571 and S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2572) recommending that S.B. No. 2667, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2572 and S.B. No. 2667, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2573) recommending that S.B. No. 2909, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2573 and S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2574) recommending that S.B. No. 2358, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2574 and S.B. No. 2358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2575) recommending that S.B. No. 2421, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2575 and S.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE POSSESSION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2576) recommending that S.B. No. 2850, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2576 and S.B. No. 2850, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO LITTER CONTROL," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2577) recommending that S.B. No. 2158, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2577 and S.B. No. 2158, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2578) recommending that S.B. No. 2343, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2578 and S.B. No. 2343, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2579) recommending that S.B. No. 2930, 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 S.B. No. 2930, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2580) recommending that S.B. No. 2687 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 S.B. No. 2687, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2581) recommending that S.B. No. 2424 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 S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2582) recommending that S.B. No. 2006, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2582 and S.B. No. 2006, S.D. 2, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2583) recommending that S.B. No. 2134, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2583 and S.B. No. 2134, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2584) recommending that S.B. No. 2357 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2584 and S.B. No. 2357, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2585) recommending that S.B. No. 2412, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2585 and S.B. No. 2412, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2586) recommending that S.B. No. 2423, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2586 and S.B. No. 2423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2587) recommending that S.B. No. 2492, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2587 and S.B. No. 2492, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2588) recommending that S.B. No. 3273, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2588 and S.B. No. 3273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," was deferred until Tuesday, March 7, 2006.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2589) recommending that S.B. No. 2063 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 S.B. No. 2063, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2590) recommending that S.B. No. 2379 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 S.B. No. 2379, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2591) recommending that S.B. No. 2381, 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 S.B. No. 2381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2592) recommending that S.B. No. 2924, 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 S.B. No. 2924, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2593) recommending that S.B. No. 2188, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2593 and S.B. No. 2188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2594) recommending that S.B. No. 2443, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2594 and S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A TASK FORCE TO DETERMINE VISITATION RIGHTS FOR GRANDPARENTS AND HANAI INDIVIDUALS WHO ARE INFORMALLY RAISING THESE CHILDREN," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2595) recommending that S.B. No. 3191, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2595 and S.B. No. 3191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2596) recommending that S.B. No. 2688, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2596 and S.B. No. 2688, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2597) recommending that S.B. No. 3254, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2597 and S.B. No. 3254, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred until Tuesday, March 7, 2006.

Senators Kokubun and Ige, for the Committee on Water, Land, and Agriculture and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2598) recommending that S.B. No. 2462, 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 joint report of the Committees was adopted and S.B. No. 2462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENA-KEONEOIO GOVERNMENT ROAD," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senators Kokubun and English, for the Committee on Water, Land, and Agriculture and the Committee on Energy, Environment, and International Affairs, presented a joint report (Stand. Com. Rep. No. 2599) recommending that S.B. No. 3076, 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 joint report of the Committees was adopted and S.B. No. 3076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senators Hanabusa and Ige, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Intergovernmental Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2600) recommending that S.B. No. 3180, 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 joint report of the majority of the Committees was adopted and S.B. No. 3180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2601) recommending that S.B. No. 2289, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2601 and S.B. No. 2289, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO CONSUMER CREDIT REPORTING AGENCIES," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2602) recommending that S.B. No. 2292, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2602 and S.B. No. 2292, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2603) recommending that S.B. No. 2938, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2603 and S.B. No. 2938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY NOTIFICATION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2604) recommending that S.B. No. 2133, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2604 and S.B. No. 2133, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2605) recommending that S.B. No. 2161, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2605 and S.B. No. 2161, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2606) recommending that S.B. No. 2328, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2606 and S.B. No. 2328, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2607) recommending that S.B. No. 3016, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2607 and S.B. No. 3016, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2608) recommending that S.B. No. 3021, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2608 and S.B. No. 3021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2609) recommending that S.B. No. 3033, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2609 and S.B. No. 3033, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2610) recommending that S.B. No. 2479 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2610 and S.B. No. 2479, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2611) recommending that S.B. No. 2079, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2611 and S.B. No. 2079, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2612) recommending that S.B. No. 2166, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2612 and S.B. No. 2166, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2613) recommending that S.B. No. 2327, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2613 and S.B. No. 2327, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2614) recommending that S.B. No. 3200, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2614 and S.B. No. 3200, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2615) recommending that S.B. No. 3219, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2615 and S.B. No. 3219, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PLACEMENT," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2616) recommending that S.B. No. 2213, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2616 and S.B. No. 2213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2617) recommending that S.B. No. 2385, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2617 and S.B. No. 2385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Tuesday, March 7, 2006.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2618) recommending that S.B. No. 2050 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 S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2619) recommending that S.B. No. 2456, 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 S.B. No. 2456, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 7, 2006.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2620) recommending that S.B. No. 2486, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2620 and S.B. No. 2486, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was deferred until Tuesday, March 7, 2006.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2621) recommending that S.B. No. 2487 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2621 and S.B. No. 2487, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2622) recommending that S.B. No. 2162, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2622 and S.B. No. 2162, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2623) recommending that S.B. No. 2215, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2623 and S.B. No. 2215, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2624) recommending that S.B. No. 2290, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2624 and S.B. No. 2290, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2625) recommending that S.B. No. 2430, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2625 and S.B. No. 2430, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2626) recommending that S.B. No. 2733, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2626 and S.B. No. 2733, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, March 7, 2006.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2627) recommending that S.B. No. 2986, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2627 and S.B. No. 2986, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," was deferred until Tuesday, March 7, 2006.

ORDER OF THE DAY

THIRD READING

S.B. No. 2148, S.D. 1:

By unanimous consent, action on S.B. No. 2148, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION

RELATING TO THE ATTORNEY GENERAL,” was deferred until Tuesday, March 7, 2006.

S.B. No. 2246, S.D. 1:

By unanimous consent, action on S.B. No. 2246, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT,” was deferred until Tuesday, March 7, 2006.

S.B. No. 2931, S.D. 1:

By unanimous consent, action on S.B. No. 2931, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,” was deferred until Tuesday, March 7, 2006.

S.B. No. 2582:

By unanimous consent, action on S.B. No. 2582, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,” was deferred until Tuesday, March 7, 2006.

S.B. No. 3000, S.D. 2:

By unanimous consent, action on S.B. No. 3000, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” was deferred until Tuesday, March 7, 2006.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, February 22, 2006:

- | | |
|------------------------------|--|
| Senate Concurrent Resolution | Referred to: |
| No. 25 | Committee on Labor, then to the Committee on Ways and Means |
| No. 26 | Committee on Judiciary and Hawaiian Affairs |
| No. 27 | Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs |

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, February 22, 2006:

- | | |
|-------------------|--|
| Senate Resolution | Referred to: |
| No. 11 | Committee on Labor, then to the Committee on Ways and Means |
| No. 12 | Committee on Judiciary and Hawaiian Affairs |
| No. 13 | Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Health, then to the Committee on Judiciary and Hawaiian Affairs |

RE-REFERRAL OF GOVERNOR’S MESSAGES

The Chair re-referred the following governor’s messages that were received:

- | | |
|--------------------|--|
| Governor’s Message | Referred to: |
| No. 252 | Committee on Commerce, Consumer Protection and Housing |
| No. 253 | Committee on Commerce, Consumer Protection and Housing |
| No. 296 | Committee on Commerce, Consumer Protection and Housing |

RE-REFERRAL OF SENATE BILLS

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

- | | |
|-------------|---|
| Senate Bill | Referred to: |
| No. 2574 | Committee on Water, Land, and Agriculture |
| No. 3139 | Committee on Ways and Means |

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

- | | |
|------------------------------|---|
| Senate Concurrent Resolution | Referred to: |
| No. 19 | Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means |
| No. 21 | Jointly to the Committee on Transportation and Government Operations and the Committee on Tourism |

RE-REFERRAL OF A SENATE RESOLUTION

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

- | | |
|-------------------|---|
| Senate Resolution | Referred to: |
| No. 8 | Jointly to the Committee on Transportation and Government Operations and the Committee on Tourism |

Senator Hee rose on a point of personal privilege as follows:

“Mr. President, members, I rise on a point of personal privilege.

“This past Tuesday, the Board of Regents for the University of Hawaii voted by voice vote to suspend the search for the next University of Hawaii president and instead moved to negotiate and hire Dr. David McClain. I asked then at the Board of Regents and I’ll ask it again, what is the rush? McClain has not

imposed any deadline to leave the University of Hawaii. In fact, he has said that he would return to teaching and perhaps write a book at the College of Business Administration when a new president is hired.

“The regents said, the chair of the Board of Regents said that ‘Dr. McClain is the best person for the job and that a search would not guarantee anyone better.’ How do they know that? Where is that mystical crystal ball that has advised them that in fact a search would not guarantee anyone better?”

“Members, let us look at institutions we aspire to be like – Ivy League universities like Harvard where the former secretary of the treasury is now president; Yale, where after a search, Ed Cadman was hired by the University of Hawaii to build the medical school, an institution that all of us look to with pride. Brown, Dartmouth, Columbia, Cornell, Princeton, and the University of Pennsylvania, all but one conducted national presidential searches.

“Of the ten schools in the Pac-10, 90 percent conducted a search, including schools like the University of California at Berkeley, Stanford, UCLA, and USC. Eight of the ten presidents hired came from outside schools. Of the other two, one from the inside was hired after a search. There are 11 schools in the Big Ten. Of those schools, 91 percent conducted a search, including Illinois, Indiana, Michigan, Northwestern, Ohio State, Penn State, and Purdue. And only after conducting a search were seven of eleven presidents hired from the outside. According to the Chronicle of Higher Education from January 2005 to July 15, 2005, 105 of 123 university presidents were hired from outside the system – that’s 85 percent.

“Members, the ASUH president, who represents over 60,000 students on 10 campuses throughout the state advocated that a search be conducted to invite the best to apply. Faculty members have called me and e-mailed me advocating for a search. If the student body president and faculty members – the two most important stakeholders in education at the University of Hawaii system – have questioned this process, why the hasty rush to hire Dr. McClain?”

“Harvard University Professor of Higher Education, Dr. Richard Chait, said, ‘All universities want the best person in the nation to be its leader, not the best person in the institution.’ He notes that the search process is a cost-efficient way for an institution to import prestige, especially if it can attract a new president from a more prestigious institution.

“On November 29th, the Advertiser reported that McClain said, ‘The regents considered appointing me without a search. I advised them that the preference of the university I know, and particularly my colleagues on the faculty, that any permanent president should be chosen via a search.’

“On November 30th, Dave Shapiro wrote, ‘The true measure of the man came when the regents were so pleased that they considered skipping the customary nationwide search and offering McClain the job. McClain was among those advising regents it would be a mistake, and he was exactly right. That’s just the kind of corner-cutting that for decades has kept the University of Hawaii from becoming a first-class university we all wish it to be. Choosing a president must be an open and thorough process that explores all options for making the University of Hawaii a powerful force to elevate the lives of our young people and help drive Hawaii’s culture and economy.’

“The editorial board of the Advertiser said, ‘The task facing the Board of Regents is enormous. It must launch a national, indeed international, search. As a system, the University of Hawaii is a jewel that demands world-class leadership.’

“If perceived stability is what we’re after, if stability is what Dr. McClain represents since August 2004, if stability is more important than conducting a search, then in Dr. McClain we’ve got our man. But then again, he isn’t going anywhere, so conducting a search doesn’t destabilize the system. So why the rush?”

“The students, the faculty, and the staff of the University of Hawaii system, and indeed the people of this State deserve and are entitled to the best person we can afford. Is Dr. McClain the best? We’ll never know and we’ll always wonder unless we make the effort now to seek out and search for the best. The people of Hawaii deserve nothing less.

“Thank you.”

Senator Trimble rose on a point of personal privilege also and said:

“Mr. President, I rise on a point of personal privilege.

“I want to thank the Chair of the Higher Education Committee for speaking out. I appreciate having a dialogue in public. Usually that’s restricted to the Minority Party when we disagree among ourselves, but let me try and address some of the issues that were raised.

“In the Legislature we like to do studies and we like to appoint committees when we want to postpone making a decision. And when the University of Hawaii was going through the turmoil relating to the firing of its past president, I think the best thing that could have been done under those circumstances was to say we are going to appoint a committee; we’re going to do a search.

“The next issue that merits some discussion has to do with snowplows. We don’t have any snowplows, and that’s fortunate because the State of Hawaii and the University of Hawaii is unique in many different ways. To postpone making a decision and to not decide and to call on a search committee will probably result in a bad choice.

“I stood up on the Floor two years ago and in that speech I called for President Dobelle to resign and one paragraph in the speech said that ‘Common sense is experience based. Our incoming residents arrive on our shores without the knowledge that has become engrained and instinctive to every islander. Without this collective memory, these newcomers pose a significant danger to the rest of society when they assume positions of power and pursue agendas that lack public scrutiny and review.’ The speech was about the decision to build a medical school in or adjacent to a tsunami zone.

“My concern here is that when we do a nationwide search and we bring somebody new to Hawaii, they lack the common sense of knowing how to approach problems and how to deal with people in Hawaii. If we are truly going to select a leader, then it must be one of us. It must be somebody that understands our issues, understands what divides us and knows how to bring us together.

“So, Mr. President, I am very happy that the Board of Regents decided to end the uncertainty and decided to discontinue a search when in fact they found in the temporary President David McClain the type of individual who not only has administrative talent but the vision to take our university where it deserves to go. That was the right decision.

“Thank you.”

Senator Hee rose in rebuttal as follows:

“Mr. President, I would like to rebut a few comments made by the previous speaker. By the way, he did advise me that he was going to take advantage of the notoriety by speaking after I spoke, not just before Session, but yesterday on the Queen Mary II. So obviously, it’s been a plot by my friend from Waikiki (laughter), whom, by the way, I have a great friendship for.

“Let me respond this way. I don’t know about snowplows. I’ve never been in snow. But I think I know something about common sense. If the Medical Center built under the leadership of former Yale Professor Ed Cadman in a tsunami zone is defined as bad common sense by my colleague from Waikiki, then let us also be accurate that the administration of the University of Hawaii, which is headed by Interim UH President David McClain, supports the Medical Center in Kakaako and is also lobbying for the Cancer Research Center adjacent to the Medical Center in Kakaako. So I’m not sure if common sense fits my colleague in support of terminating a search.

“But if we took the attitude that we know all there is to know, that we see all there is to have seen, then I would suggest that that thinking would lead us to conclude that when Ellison Onizuka died, that that was enough research and exploration for America, because other people might die. And in fact, other people have died. When Eddie Aikau died trying to save Hokulea, common sense, as defined by my good friend, would have suggested that’s enough. But in fact common sense said we better not go when the ocean is rough. Let us wait until nature tells us this is a good day to go.

“I’m not sure about common sense suggesting that we’ve got our man. I am sure that if we don’t try, we’ll never know – we’ll never know. And if at the end of the day he in fact is our man, then let us be proud to say we tried and he’s the best person for the job, notwithstanding his support for the Cancer Research Center in Kakaako in the tsunami zone that my friend who grew up with snowplows doesn’t advocate for.

“Mahalo nui loa.”

ADJOURNMENT

At 12:08 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 3, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate