

FIFTY-SECOND DAY

Thursday, April 20, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:52 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Kanno who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 493 to 525) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 493, submitting for consideration and confirmation to the Hawaii Community Development Authority (HCDA), the nomination of C. SCOTT BRADLEY, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 494, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of SHAUNA V. TUOHY, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 495, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of RON J. FLEET, term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 496, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of RICHARD E. VELAZQUEZ, term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 497, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nomination of WILLIAM DONALD SOUZA, term to expire June 30, 2010, was referred to the Committee on Media, Arts, Science and Technology.

Gov. Msg. No. 498, submitting for consideration and confirmation to the Hawaii Housing Finance and Development Administration (HFD), the nomination of CHARLES G. KING, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 499, submitting for consideration and confirmation to the Hawaii Housing Finance and Development Administration (HFD), the nomination of BETTY LOU LARSON, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 500, submitting for consideration and confirmation to the Hawaii Housing Finance and Development Administration (HFD), the nomination of DAVID LAWRENCE, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 501, submitting for consideration and confirmation to the Hawaii Housing Finance and Development Administration (HFD), the nomination of ELIZABETH W. MEYERSON, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 502, submitting for consideration and confirmation to the Hawaii Housing Finance and Development Administration (HFD), the nomination of CHARLES A. STED, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 503, submitting for consideration and confirmation to the Island Burial Council, Island of Hawaii, the nomination of ULULANI K. SHERLOCK, term to expire June 30, 2010, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 504, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nomination of CHARLES KAULUWEHI MAXWELL SR., term to expire June 30, 2010, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 505, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of RHONDA C. SCOTT, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 506, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of EUGENE A.H. MAGNIER M.D., term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 507, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of LEO MAHER MD, MHA, FAAN, term to expire June 30, 2006, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 508, submitting for consideration and confirmation to the Medical Advisory Board, the nomination of LEO MAHER MD, MHA, FAAN, term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 509, submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, the nomination of STACY STAN KAWAI HIGA, term to expire June 30, 2010, was referred to the Committee on Higher Education.

Gov. Msg. No. 510, submitting for consideration and confirmation to the Hawaii Commission for National and Community Service, the nomination of BRYSEN CRAIG POULTON, term to expire June 30, 2010, was referred to the Committee on Higher Education.

Gov. Msg. No. 511, submitting for consideration and confirmation to the Board of Directors of the Natural Energy Laboratory of Hawaii Authority, the nomination of JOHN DELONG, term to expire June 30, 2007, was referred to the Committee on Energy, Environment, and International Affairs.

Gov. Msg. No. 512, submitting for consideration and confirmation to the Procurement Policy Board, the nomination

of LESLIE S. CHINEN, term to expire June 30, 2009, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 513, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of DARYLE ANN HORRN, BSN, CWS, term to expire June 30, 2009, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 514, submitting for consideration and confirmation to the Hawaii Public Housing Administration (PHA), the nomination of CAROL R. IGNACIO, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 515, submitting for consideration and confirmation to the Hawaii Public Housing Administration (PHA), the nomination of LINDA L. SMITH, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 516, submitting for consideration and confirmation to the Hawaii Public Housing Administration (PHA), the nomination of MATTIE A. YOSHIOKA, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 517, submitting for consideration and confirmation to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kahoolawe, the nomination of ANDREW MUTSUO HIROSE, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 518, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of RICHARD SCHNITZLER, term to expire June 30, 2010, was referred to the Committee on Business and Economic Development.

Gov. Msg. No. 519, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of RICHARD SCHNITZLER, term to expire June 30, 2006, was referred to the Committee on Business and Economic Development.

Gov. Msg. No. 520, submitting for consideration and confirmation to the Tax Review Commission, the nomination of MELANIE KING, term to expire adjournment sine die 2007, was referred to the Committee on Ways and Means.

Gov. Msg. No. 521, informing the Senate that on April 19, 2006, she signed into law Senate Bill No. 2018 as Act 9, entitled: "RELATING TO PUBLIC UTILITIES," was placed on file.

Gov. Msg. No. 522, dated April 19, 2006, transmitting her statement of objections to Senate Bill No. 3008 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 19, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3008

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3008, entitled 'A Bill for an Act Relating to Public Work Projects.'

This bill is objectionable because it would require the State to cite a contractor for each individual construction project for which work is performed, no matter how minor the infraction and whether the violation was committed knowingly or not. If violations were discovered in one investigation involving multiple construction projects, the contractor would receive multiple citations.

Upon the receipt of a third violation, a contractor would be precluded from performing any new public work construction for a three-year period. Considering the complexity of the law and the difficulties it poses for a contractor to successfully navigate, this result is too harsh. This rigid violation structure fails to take into account the severity of the violations found and the willfulness of the contractor in committing the violation.

The mandatory, progressive penalty structure in current law allows firms to correct errors as soon as they are identified and ensures that the Department of Labor and Industrial Relations is able to work with affected contractors to provide fair wages pursuant to the wage schedules, benefit formula and applicable overtime rules in place.

The changing of the manner of issuing violations from one based on investigations to one based on projects will likely result in potential litigation. Further, the number of firms bidding on and accepting State and county projects is likely to diminish if the rigid penalty structure imposed by this bill is enacted.

Diminishing the number of firms that can bid on State and county projects, and passing measures that further discourage qualified firms from bidding, will inevitably result in higher costs for public works projects. This will adversely impact the State's ability to fund and execute construction and repair of schools, highways, parks, harbors, and the entire spectrum of public facilities operated by the State of Hawaii. It will also negatively impact the ability of the counties to repair and rebuild our sewer systems, upgrade wastewater treatment plants, expand police and fire facilities and similar local government structures.

To avoid the adverse effects on government contracting and critical public works projects that would likely occur, the finding of a violation should continue to be based on the investigation conducted rather than on individual projects as contemplated by this bill.

For the foregoing reasons, I am returning Senate Bill No. 3008 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii,"

was placed on file.

Gov. Msg. No. 523, letter dated April 13, 2006, in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, amending her March 17, 2006, request for

immediate consideration and passage of H.B. No. 970 to incorporate additional emergency funding totaling \$3,169,257 in general funds, \$29,300,000 in state highway special funds, and \$17,450,000 in general obligation bond funds, and a reduction of \$2,700,000 in federal funds for the Department of Agriculture, the Department of Land and Natural Resources, and the Department of Transportation, was placed on file.

Gov. Msg. No. 524, letter dated April 18, 2006, requesting to amend S.B. No. 2339, S.D. 2, H.D. 1, to add emergency funding in the amount of \$2,356,497 in general funds to pay for Hawaii National Guard helicopter medical transport services, was placed on file.

Gov. Msg. No. 525, submitting for consideration and confirmation to the Board of Directors of the Hawaii Hurricane Relief Fund, the nomination of LIONEL Y. TOKIOKA, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 768 to 770) were read by the Clerk and were placed on file:

Hse. Com. No. 768, informing the Senate that the Speaker on April 19, 2006, made the following changes to the conferees on the following bills:

H.B. No. 2043, H.D. 2 (S.D. 3):

Added Representative Green as a manager.

S.B. No. 2961, S.D. 1 (H.D. 1):

Added Representatives Green and Yamane as managers.

S.B. No. 3262, S.D. 1 (H.D. 1):

Added Representative Green as a manager.

Hse. Com. No. 769, informing the Senate that the Speaker on April 19, 2006, made the following change to the conferees on the following bill:

H.B. No. 3016, H.D. 1 (S.D. 1):

Added Representative Stevens as a manager.

Hse. Com. No. 770, informing the Senate that the Speaker on April 19, 2006, appointed Representatives Morita, Herkes, Evans, co-chairs, Pine as managers on the part of the House for the consideration of amendments proposed by the Senate to H.B. No. 1021, H.D. 2 (S.D. 2).

CONFERENCE COMMITTEE REPORT

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2609, S.D. 1, presented a report (Conf. Com. Rep. No. 4-06) recommending that S.B. No. 2609, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-06 and S.B. No. 2609, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 3685) recommending that H.C.R. No. 262, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3685 and H.C.R. No. 262, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was deferred until Friday, April 21, 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. 3686) recommending that H.C.R. No. 12, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3686 and H.C.R. No. 12, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," was deferred until Friday, April 21, 2006.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3687) recommending that H.C.R. No. 30, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3687 and H.C.R. No. 30, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI," was deferred until Friday, April 21, 2006.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3688) recommending that H.C.R. No. 98, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3688 and H.C.R. No. 98, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," was deferred until Friday, April 21, 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. 3689) recommending that H.C.R. No. 155, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3689 and H.C.R. No. 155, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE

DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was deferred until Friday, April 21, 2006.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3690) recommending that H.C.R. No. 164, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3690 and H.C.R. No. 164, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was deferred until Friday, April 21, 2006.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 3691) recommending that H.C.R. No. 249 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3691 and H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was deferred until Friday, April 21, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3692) recommending that H.C.R. No. 84 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3692 and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DECBROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," was deferred until Friday, April 21, 2006.

Senators Baker and Ige, for the Committee on Health and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3693) recommending that H.C.R. No. 76, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3693 and H.C.R. No. 76, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was deferred until Friday, April 21, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3694) recommending that H.C.R. No. 88, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3694 and H.C.R. No. 88, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was deferred until Friday, April 21, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3695) recommending that H.C.R. No. 197, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3695 and H.C.R. No. 197, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was deferred until Friday, April 21, 2006.

Senators Baker and Chun Oakland, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3696) recommending that H.C.R. No. 290, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3696 and H.C.R. No. 290, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was deferred until Friday, April 21, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3697) recommending that H.C.R. No. 226, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3697 and H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was deferred until Friday, April 21, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3698) recommending that the Senate advise and consent to the nomination of RICHARD CHARLES JACKSON to the Mental Health and Substance Abuse, Oahu Service Area Board, in accordance with Gov. Msg. No. 341.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3698 and Gov. Msg. No. 341 was deferred until Friday, April 21, 2006.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 3699) recommending that H.C.R. No. 47 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3699 and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was deferred until Friday, April 21, 2006.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 3700) recommending that H.C.R. No. 49, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3700 and H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," was deferred until Friday, April 21, 2006.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 3701) recommending that H.C.R. No. 120 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3701 and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was deferred until Friday, April 21, 2006.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3702) recommending that H.C.R. No. 312, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3702 and H.C.R. No. 312, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVENE A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," was deferred until Friday, April 21, 2006.

Senators Ige and Inouye, for the Committee on Intergovernmental Affairs and the Committee on Transportation and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 3703) recommending that H.C.R. No. 86 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3703 and H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was deferred until Friday, April 21, 2006.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3704), recommending that H.C.R. No. 72, H.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST

EXPANDED ACCESS REQUEST FOR PROPOSAL," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTER DEFERRED FROM WEDNESDAY, APRIL 19, 2006

Stand. Com. Rep. No. 3649 (Gov. Msg. Nos. 356 and 357):

Senator Kim moved that Stand. Com. Rep. No. 3649 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Kim then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawaii Tourism Authority of the following:

VERNON FOOK LEONG CHAR, term to expire June 30, 2010 (Gov. Msg. No. 356); and

KAWAIKAPUOKALANI K. HEWETT, term to expire June 30, 2010 (Gov. Msg. No. 357),

seconded by Senator Nishihara.

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

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

FINAL READING

S.B. No. 1317, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1317, S.D. 1, and S.B. No. 1317, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1512, S.D. 1, H.D. 3:

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1512, S.D. 1, and S.B. No. 1512, S.D. 1, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2166, S.D. 2, H.D. 3:

Senator Chun Oakland moved that S.B. No. 2166, S.D. 2, H.D. 3, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in very strong opposition to this bill.

"This bill started out as bill that was going to help take care of minors, help them with their medical needs and so forth, but

again what we've seen during this Session, Mr. President, is this becomes an expansion of the abortion tourism movement. The whole purpose of the amendments to this bill in the present condition right now is to add abortion and take away the requirement for a physician, a medical doctor and allowing instead a licensed health provider or care practitioner.

"You know, we had a lot of discussion a couple years ago on the bill about age of consent. This Legislature passed the bill unanimously. The Governor at that time then vetoed the bill, and for the first time, a Democrat Governor's veto was overturned by this Legislature because the community and this Legislature felt so strongly about age of consent and particularly moving it from 14 to 16.

"In this bill we are now moving backwards and we're saying that while we have an age of consent, as long as it comes to abortion, we can waive that age of consent. Further than that, we can waive parental notice. Further than that, we can make sure that the healthcare providers are put on notice that they can tap into the financial resources and insurance of the parents without the parents even knowing it. Further than that, we're saying that just in case any damage is done to the minor child that the parent never had an opportunity to discuss or to know about, too bad, how sad, that will be the parent and the child's responsibility for the rest of their lives.

"We just had a very heartwarming prayer to start off this Session and we talked about the keiki o ka aina. What is this bill saying, what is this Legislature saying to pass such a measure? We're not protecting the keiki and we're not protecting the keiki's keiki. Who in fact are we protecting? It seems to me the only people we're protecting are those that have a direct and financial interest in the abortion process, particularly groups like Planned Parenthood, who should be renamed Planned Abortionhood because that's their number one priority and agenda.

"If we were truly concerned about taking care of the problems that an underage child has in obtaining medical services, we could do that. But it is very clear, once again, that the sole focus and emphasis on this piece of legislation is to make abortion easier for more people and to cut out the parent's knowledge and responsibility.

"I find this totally despicable! Thank you."

Senator Baker rose to support the measure as follows:

"Mr. President, I rise to support this measure.

"It's unfortunate that the previous speaker is so focused on only one issue that he fails to recognize the real intent behind this bill. This bill is not to offer Planned Parenthood anymore business. It's not to focus on his limited agenda. Rather, it is to allow a minor who is not in the custody of an adult, is not under their supervision, is actually on their own to have access to appropriate and needed medical services.

"This language represented in the H.D. 3 that we are considering this morning is consensus language of people that deal with runaway youth, that deal with street youth. It's an attempt to try to address a very vulnerable segment in our population that without this will not have access to healthcare.

"It's a good bill. I urge my colleagues to vote in favor."

Senator Hemmings rose in opposition and said:

"Mr. President, I wish to rebut the previous speaker and put the truth on the table so that you can make an informed decision.

"This bill does not allegedly protect the rights of children that do not have parental supervision or care. This affects all minors, including, as I might mention, the good Senator from Hawaii Kai said we prayed for our children. This preempts our ability, our rights as parents to have a horrendous procedure done on our child without our knowledge.

"This bill is a travesty – a travesty! This isn't about women's choice. This is about children. These aren't women. It is absolutely ludicrous.

"This bill also codifies deceit. And if you look in Section 5, Subsection b, it says that the minor does not want the Medicare plan to disclose information regarding the claim to the spouse, parent, custodian or guardian, but they want the insurance company to pay for it. It goes on to say the plan may require that a request for confidential communication be made in writing and contain a statement that disclosure of all or part of the claim to which the request pertains could endanger the minor. In other words, the minor can solicit the care provider, who doesn't necessarily have to be a doctor, to aid them in deceiving parents through the healthcare insurer. What a wonderful message we're sending to the young people of Hawaii.

"I resent the fact that this is supposed to be addressing the needy kids in our society. Any child anywhere can utilize this. It is deceptive to say otherwise. This legislation affects all minors.

"The other point that needs to be made in asking you to please consider what you're doing here is that the bill is so ludicrous, if it was in fact designed to assist children who have no means of their own – the abused and the homeless – it goes on to say that the financial burden of procedures like this will be assumed by the minor. Give me a break.

"This is a sad, sad day when our state is so far off the Richter scale on the liberal left on this issue that we're allowing our children to deceive their parents or those responsible for them to get an abortion. I would suggest that we get a jolt of reality and do what is right and vote this bill down. This is bad public policy. The public has spoken out loud and clear about parental consent and this does just the opposite. Please, colleagues, defer this, save it, talk about it more, but don't pass it today.

"How can we as people that are supposed to be helping our citizens stand and listen to a prayer like we heard this morning and then pass this? I'm voting 'no,' Mr. President, and I urge that on this particular legislation we vote on the issue, not along party lines. This legislation deserves all of our consideration void of partisanship.

"Thank you, Mr. President."

Senator Chun Oakland rose in support of the measure and stated:

"Mr. President, I speak in support of S.B. No. 2166, S.D. 2, H.D. 3.

"This particular measure had been discussed in the Senate. There were concerns as we moved it over to the House that it was not narrow enough for some of the service providers in terms of some of the procedures that were in our Senate draft. H.D. 3 reflects a consensus of all the organizations working with this. It includes the Waikiki Health Center, Hale Kipa,

Inc., Kaiser Permanente, Queen's Medical Center, Planned Parenthood, Hawaii Medical Association, Kapiolani Medical Center for Women, Hawaii Primary Care Association, Hawaii Youth Service Network, and representatives of the Micronesian community.

"The language that is before us is limiting. It allows medical care for only those youth who are mature enough as determined by the provider to provide informed consent. Treatment must be in the minor's best interest and the minor is also not under the care, control, or support of any responsible adult.

"Other features of the bill addresses the needs of the most vulnerable and needy youth – homeless, runaway, and unsupervised. It provides for only primary and preventive healthcare in an outpatient setting. The bill does not allow for the provision of secondary or specialty care, for example, elective cosmetic surgery. Treating at-risk minors immediately prevents chronic conditions from becoming acute. For example, untreated urinary tract infections result in kidney damage.

"Many states have adopted similar legislation based on the mature minor doctrine. Waikiki Health Center had provided primary healthcare to at-risk minors via Act 162 without any issue since 1989. Thank you."

Senator Sakamoto rose in opposition to the measure as followed:

"Mr. President, I rise in opposition to the measure.

"It's unfortunate that there are many good provisions, as the previous speaker had talked about, and there are many youth who will be helped by many good care providers. The sad thing, from my perspective, is perhaps the words it shall not include surgery or any treatment to induce abortion, words like that were stricken from what's in our statutes.

"I think many good things could have happened but as in other bills, sometimes there's a poison pill that gets put into the good pot of stew. Unfortunately, before abortion was widely available, as people know, there were procedures done by unqualified people in random places. This bill, along with the previous bill that we passed related to abortion, in my mind can slant the stainless steel table in the wrong direction to allow less healthful care to young women who really need good care. It previously allowed a physician to be in charge of such procedures. Now it's licensed healthcare provider, which means including nurses. I'm not sure who else that includes, if it's nurses' assistants and whatever.

"I think we've gone too far, at least in some parts of this bill, Mr. President, so I ask my colleagues to vote in opposition. Thank you."

Senator Whalen rose to oppose the measure as follows:

"Mr. President, I also rise in opposition.

"I won't repeat the same points that the Senator from Moanalua just mentioned, but I do find it odd that on one hand we're talking about unsupervised kids and then in the last part where it talks about pain it talks about how the minor and or the provider doesn't disclose the information to the parent or guardian. Further down in the same section it talks about the minor can arrange for information to be given to them somewhere elsewhere, I suppose, like not my house, I'm at my girlfriend's house so send it over there. And although my dad's going to pay for this, don't let him know what's going on, you know, whatever the problem is.

"I understand the original purpose of amending this bill was to take care of the homeless, but once again in our effort to try to take care of a problem, we take out the shotgun and just start shooting. This law was intentionally done to enable minors to have abortions and sexually treatable or STDs, sexually transmitted diseases, to get those taken care of. What our good intention was is that we put that into this bill and it just opens up Pandora's box about what can be done because I don't think any one of us would want to have any child, especially our own, be able to go and get medical treatment for something that we're unaware of. We want to know. I think most parents like that. There are a few exceptions.

"But on the one hand this Legislature moves from a 14-year-old can't watch someone like their younger brother in the car, to helmets for minors on mopeds, to you're not smart enough to know when you should or should not be riding in the back of a truck, and we're saying now that as long as you can make the doctor believe that you're unsupervised, you can get whatever treatment you want. I'm not talking about breast implants or tattoos, but whatever kind of treatment that's there.

"The other part that I find extremely illogical, if they're out on the street unsupervised, a 14-year-old, how in the world are they going to assume this financial obligation to pay for this and at the same time in the very next section we say that they can make a claim on the parent or guardian's insurance policy. It just doesn't fit and I don't think we should be moving in this direction to solve the problem that this was initially intended to address."

Senator Slom rose and said:

"Mr. President, Roll Call vote, please."

Senator Menor requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2166, S.D. 2, and S.B. No. 2166, S.D. 2, H.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 8 (Espero, Hemmings, Hogue, Nishihara, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Kanno).

S.B. No. 2255, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2255, S.D. 1, and S.B. No. 2255, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2597, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2597, and S.B. No. 2597, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2599, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2599, and S.B. No. 2599, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2603, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2603, S.D. 1, and S.B. No. 2603, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 2606, H.D. 1:

Senator Hanabusa moved that S.B. No. 2606, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"The current law says that after two years and after giving notice then any unclaimed bail money will be determined as abandoned. What this bill does is take out any requirement for notice and says that basically after two years, period, that's it. The money will be presumed abandoned and will go to the general fund. I think that there should be an effort . . . we're always talking about due process; we're always talking about notification and we're talking about other people's money. The judiciary knows that this money belongs to someone. We don't need Herculean efforts but we do need an effort to try to find the person or the family of the person who this unclaimed money belongs to. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2606, and S.B. No. 2606, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Nishihara, Slom, Trimble). Excused, 1 (Kanno).

S.B. No. 2607, S.D. 1, H.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2607, S.D. 1, and S.B. No. 2607, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

ADVISE AND CONSENT

Stand. Com. Rep. No. 3664 (Gov. Msg. No. 340):

Senator Baker moved that Stand. Com. Rep. No. 3664 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of BRENDA K. VIADO MA, BAE, CRC to the Mental Health and Substance Abuse, Kauai Service Area Board, term to expire June 30, 2010, seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 3665 (Gov. Msg. Nos. 327 and 328):

Senator Hanabusa moved that Stand. Com. Rep. No. 3665 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

DONALD S.M. CHANG, term to expire June 30, 2007 (Gov. Msg. No. 327); and

FRANCIS KAHOU LUM, term to expire June 30, 2010 (Gov. Msg. No. 328),

seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3666 (Gov. Msg. No. 349):

Senator Hanabusa moved that Stand. Com. Rep. No. 3666 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of BEVERLY JEAN WITHINGTON to the Board of Registration of the Island of Hawaii, term to expire June 30, 2010, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3667 (Gov. Msg. No. 350):

Senator Hanabusa moved that Stand. Com. Rep. No. 3667 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of LISA KEALA CARTER to the Board of Registration of the Island of Oahu, term to expire June 30, 2010, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3668 (Gov. Msg. Nos. 368 and 369):

Senator Hanabusa moved that Stand. Com. Rep. No. 3668 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of THOMAS T. WATTS to the Crime Victim Compensation Commission, terms to expire June 30, 2006, and June 30, 2010, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3669 (Gov. Msg. No. 370):

Senator Hanabusa moved that Stand. Com. Rep. No. 3669 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of JEFFREY ALAN HAWK to the Defender Council, term to expire June 30, 2010, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3670 (Gov. Msg. No. 373):

Senator Hanabusa moved that Stand. Com. Rep. No. 3670 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of DANE K. ODA to the Hawaii Paroling Authority, term to expire June 30, 2010, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 3671 (Gov. Msg. No. 365):

Senator Menor moved that Stand. Com. Rep. No. 3671 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of ROBERT M. LEE to the State Boxing Commission of Hawaii, term to expire June 30, 2010, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3672 (Gov. Msg. No. 376):

Senator Menor moved that Stand. Com. Rep. No. 3672 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JOEL C. PERALTO CPA to the State Board of Public Accountancy, term to expire June 30, 2010, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3673 (Gov. Msg. No. 380):

Senator Menor moved that Stand. Com. Rep. No. 3673 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of RANDALL B.C. LAU to the Contractors License Board, term to expire June 30, 2010, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3674 (Gov. Msg. No. 391):

Senator Menor moved that Stand. Com. Rep. No. 3674 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of DANIEL NELSON JR. to the Hoisting Machine Operators Advisory Board, term to expire June 30, 2010, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3675 (Gov. Msg. No. 392):

Senator Menor moved that Stand. Com. Rep. No. 3675 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JOY EMI SAKAMOTO to the Board of Massage Therapy, term to expire June 30, 2010, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3676 (Gov. Msg. No. 394):

Senator Menor moved that Stand. Com. Rep. No. 3676 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of LAURIE H.Y. KAWAMURA to

the Board of Pharmacy, term to expire June 30, 2010, seconded by Senator Baker.

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

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

STANDING COMMITTEE REPORT

MATTER DEFERRED FROM WEDNESDAY, APRIL 19, 2006

Stand. Com. Rep. No. 3684 (H.C.R. No. 35, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 35, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES GOVERNING PLACEMENT OF CHILDREN IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS," was referred to the Committee on Judiciary and Hawaiian Affairs.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 19, 2006

Stand. Com. Rep. No. 3658 (H.C.R. No. 232):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted.

Stand. Com. Rep. No. 3659 (H.C.R. No. 74):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," was adopted.

Stand. Com. Rep. No. 3660 (H.C.R. No. 119):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES," was adopted.

Stand. Com. Rep. No. 3661 (H.C.R. No. 243):

Senator Hee moved that Stand. Com. Rep. No. 3661 and H.C.R. No. 243 be adopted, seconded by Senator Hogue.

Senator Kokubun rose and said:

"Mr. President, can I have written remarks inserted in the Journal regarding Stand. Com. Rep. No. 3661, H.C.R. No. 243. Thank you."

The Chair having so ordered, Senator Kokubun's remarks read as follows:

"Mr. President, I rise to speak in support of H.C.R. No. 243, CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR.

"Since the conflict in Darfur began in 2003, millions have been displaced, and close to 180,000 non-Arabs have been systematically killed off.

"For three years, civil war and genocide has been taking place in Sudan, and yet no direct action has been taken by the international community to put a stop to the devastation caused by the Sudanese militia. The United Nations adopted Resolution 1564 in 2004, threatening sanctions against Sudan if violence continued in Darfur. Yet, two years later, the genocide continues.

"Countless pleas from the G8 summit, the U.N. and the United Kingdom (U.K.) have expressed grave concern over the humanitarian, human rights, and political crisis in Darfur. The United States House of Representatives declared the violent acts as genocide on June 24, 2004 in House Concurrent Resolution 467, and the United States Senate introduced the companion resolution, Senate Concurrent Resolution 124, on July 13, 2004. The President of the United States, on September 9, 2004, in a press release, also declared the violence in Darfur as genocide, and the President's Press Secretary, Scott McClellan, stated in a press release issued on March 16, 2006 that:

'The situation in Sudan, and particularly in the Darfur region, remains a top priority for this administration.'

Yet, despite these declarations, President George W. Bush has remained passive in his actions to stop the genocide. Although he has released \$300 million for aid, he has refused to take substantial action to end the slaughter. Furthermore, the Bush Administration has also declined to seek a seat on the new U.N. Human Rights Council.

"As we sit here today, mass, systematic, killings of hundreds of people a day is still occurring in the region of Darfur, Sudan. For these reasons, I urge President George W. Bush to action.

"In closing, I would like to express my sincere appreciation to the Representative from Puna, Representative Helene H. Hale, Chair of the House Committee on International Affairs, for introducing this important legislation. Her dedication and commitment to human rights reflects the spirit of aloha that she has brought to this Legislature during her years as a State Representative. As the 2nd most senior State Representative in the Nation, Representative Hale's wisdom and experience has assisted her in becoming a shining example of a life-long dedication to protecting the rights of the world's citizens. As such, she has brought to our attention the urgency to end the mass killing, torture and rape that is being inflicted on our brothers and sisters in Darfur. House Concurrent Resolution

243 is an example of this great leader's pursuit of peace and justice.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," was adopted.

Stand. Com. Rep. No. 3662 (H.C.R. No. 273, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 273, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TRADE REPRESENTATIVE TO INCLUDE A REPRESENTATIVE OF THE STATE OF HAWAII IN THE MEMBERSHIP OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE ON TRADE AND DESIGNATE THIS REPRESENTATIVE AS THE SINGLE POINT OF CONTACT FOR THE STATE OF HAWAII," was adopted.

Stand. Com. Rep. No. 3663 (H.C.R. No. 82):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was adopted.

Stand. Com. Rep. No. 3677 (H.C.R. No. 64):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND SECURE PASSAGE OF FEDERAL LEGISLATION ESTABLISHING A CATASTROPHIC REINSURANCE FUND TO SUPPORT STATE EFFORTS TO KEEP HOMEOWNERS' DISASTER INSURANCE AFFORDABLE," was adopted.

Stand. Com. Rep. No. 3678 (H.C.R. No. 245, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3679 (H.C.R. No. 109, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 109, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PLANNED 2006 COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," was adopted.

Stand. Com. Rep. No. 3680 (S.R. No. 161, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 161, S.D. 1, entitled: "SENATE RESOLUTION SUPPORTING SOCIAL EQUALITY FOR ALL HAWAII RESIDENTS," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3681 (H.C.R. No. 57):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was adopted.

Stand. Com. Rep. No. 3682 (H.C.R. No. 8):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was adopted.

Stand. Com. Rep. No. 3683 (H.C.R. No. 41, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 41, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was adopted.

ADOPTION OF RESOLUTION

H.C.R. No. 27, H.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 27, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES CONGRESS, THE PRIME MINISTER OF JAPAN, THE JAPAN DEFENSE AGENCY, AND THE NATIONAL DIET OF JAPAN TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," was adopted with Senator Slom voting "No."

REFERRAL OF A GOVERNOR'S MESSAGE

The President made the following committee assignment of a governor's message that was received on Wednesday, April 19, 2006:

Governor's Message	Referred to:
No. 473	Committee on Water, Land, and Agriculture

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 2357 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 13, 2006, in disagreeing to the amendments proposed by the House to S.B. No. 2357, seconded by Senator Kokubun and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2357, on the following showing of Ayes and Noes:

Ayes, 2 (English, Hanabusa). Noes, none. Excused, 1 (Kokubun).

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 2357, seconded by Senator Kokubun.

Senator English noted:

“Mr. President, members, this is the safe harbor agreements bill and the House wanted a five-year sunset date and we’ve agreed to that.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2357, and S.B. No. 2357, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997,” was placed on the calendar for Final Reading on Friday, April 21, 2006.

**APPOINTMENT AND DISCHARGE
OF CONFEREES**

S.B. No. 1648, S.D. 1 (H.D. 2):

The President appointed Senator Taniguchi as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1648, S.D. 1.

S.B. No. 2298, S.D. 1 (H.D. 1):

The President appointed Senator Baker as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2298, S.D. 1.

S.B. No. 2461, S.D. 1 (H.D. 1):

The President discharged Senator Baker as a member and appointed her as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2461, S.D. 1.

S.B. No. 2913, S.D. 1 (H.D. 1):

The President appointed Senator Baker as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2913, S.D. 1.

H.B. No. 1928, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1928, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Taniguchi, Inouye, Fukunaga, co-chairs; Hemmings as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:22 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, April 21, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate