

THIRTY-SECOND DAY

Thursday, March 16, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sarah Akiona, Office of Senator Suzanne Chun Oakland, after which the Roll was called showing all Senators present.

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

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 308 and 309) were read by the Clerk and were placed on file:

Gov. Msg. No. 308, dated March 9, 2006, transmitting a Report on the Activities of the Deposit Beverage Container Program, prepared by the Department of Health pursuant to Act 178, Section 16, SLH 2002, and Act 228, Section 2, SLH 2005.

Gov. Msg. No. 309, dated March 10, 2006, transmitting the Department of Agriculture's Annual Report for Fiscal Year 2005.

At 12:07 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2941) recommending that H.B. No. 2215 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2942) recommending that H.B. No. 2273 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2273, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the majority of the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2943) recommending that H.B. No. 2454, H.D. 1, as amended in S.D. 1, pass Second Reading and

be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2454, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2944) recommending that H.B. No. 2274, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2274, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2945), recommending that S.C.R. No. 38, as amended in S.D. 1, be referred to the Committee on Media, Arts, Science and Technology.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 38, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO STUDY THE FEASIBILITY OF INSTALLING AN OUTDOOR WIRELESS CORRIDOR ALONG THE H-1 FREEWAY IN ORDER TO ENCOURAGE UTILIZATION BY HIGHLY OCCUPIED VEHICLES AND BUSES, AND TO FACILITATE THE GATHERING OF TRAFFIC METRICS," was referred to the Committee on Media, Arts, Science and Technology.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2946) recommending that H.B. No. 1867, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1867, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2947) recommending that H.B. No. 2309 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2948) recommending that H.B.

No. 2311, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2311, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Sakamoto, for the Committee on Labor and the Committee on Education and Military Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2949) recommending that H.B. No. 2609, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2609, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN NEW CENTURY CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2950) recommending that H.B. No. 2678, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2678, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2951) recommending that H.B. No. 2691, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2691, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2952) recommending that H.B. No. 2698, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 2698, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2953) recommending that H.B. No. 2947, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2947, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,"

passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2954) recommending that H.B. No. 2950, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 2950, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kanno, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2955) recommending that H.B. No. 3254, H.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 3254, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 2932 (Gov. Msg. No. 256):

Senator Inouye moved that Stand. Com. Rep. No. 2932 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye rose in support of the nominees and said:

"Mr. President, your TGO Committee has heard Gov. Msg. No. 256, Gov. Msg. No. 257, Gov. Msg. No. 275 and Gov. Msg. No. 277 and wishes that the Senate advise and consent to these nominees. All of them are reappointments.

"Thank you, Mr. President."

Senator Inouye then moved that the Senate advise and consent to the nomination of MANUEL MAKAHIAPO KULOLOIO to the Civil Defense Advisory Council, term to expire June 30, 2010, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2933 (Gov. Msg. No. 257):

Senator Inouye moved that Stand. Com. Rep. No. 2933 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of ANN M. SAKAGUCHI to the Civil Defense Advisory Council, term to expire June 30, 2010, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2934 (Gov. Msg. No. 275):

Senator Inouye moved that Stand. Com. Rep. No. 2934 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of MITCHELL DAVID ROTH to the State Highway Safety Council, term to expire June 30, 2010, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2935 (Gov. Msg. No. 277):

Senator Inouye moved that Stand. Com. Rep. No. 2935 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JOYCE H. CASSEN MD to the Medical Advisory Board, term to expire June 30, 2010, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, MARCH 15, 2006

Stand. Com. Rep. No. 2928 (S.R. No. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 1, entitled: "SENATE RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH IN HAWAII," was adopted.

Stand. Com. Rep. No. 2929 (S.C.R. No. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH IN HAWAII," was adopted.

Stand. Com. Rep. No. 2930 (S.C.R. No. 15, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH FROM CANCER BY THE YEAR 2015," was adopted.

Stand. Com. Rep. No. 2939 (S.C.R. No. 33, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 33, S.D. 1, entitled: "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," was adopted.

Stand. Com. Rep. No. 2940 (S.R. No. 17, 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. 17, S.D. 1, entitled: "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," was adopted.

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Wednesday, March 15, 2006:

Senate Concurrent Resolution	Referred to:
No. 86	Jointly to the Committee on Health and the Committee on Intergovernmental Affairs
No. 87 Affairs	Committee on Judiciary and Hawaiian
No. 88	Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs
No. 89 Affairs	Committee on Judiciary and Hawaiian
No. 90 Affairs	Committee on Judiciary and Hawaiian
No. 91 Affairs	Committee on Judiciary and Hawaiian
No. 92 Affairs	Committee on Judiciary and Hawaiian
No. 93	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Transportation and Government Operations
No. 94	Jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Intergovernmental Affairs

No. 95 Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs

No. 96 Jointly to the Committee on Transportation and Government Operations and the Committee on Water, Land, and Agriculture

No. 97 Committee on Higher Education

No. 98 Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs

No. 99 Committee on Education and Military Affairs

No. 100 Committee on Education and Military Affairs, then to the Committee on Ways and Means

No. 101 Jointly to the Committee on Education and Military Affairs and the Committee on Judiciary and Hawaiian Affairs

No. 102 Committee on Health

No. 103 Committee on Health, then to the Committee on Education and Military Affairs

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Wednesday, March 15, 2006:

Senate Resolution Referred to:

No. 56 Jointly to the Committee on Health and the Committee on Intergovernmental Affairs

No. 57 Jointly to the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs

No. 58 Jointly to the Committee on Education and Military Affairs and the Committee on Judiciary and Hawaiian Affairs

No. 59 Committee on Health

RE-REFERRAL OF HOUSE BILLS

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

House Bill Referred to:

No. 1368, H.D. 2 Jointly to the Committee on Water, Land, and Agriculture and the Committee on Judiciary and Hawaiian Affairs

No. 2180, H.D. 2 Jointly to the Committee on Higher Education and the Committee on Intergovernmental Affairs, then to the Committee on Ways and Means

No. 2440, H.D. 2 Committee on Commerce, Consumer Protection and Housing, then jointly to the Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

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

Senate Concurrent Resolution Referred to:

No. 65 Committee on Business and Economic Development, then to the Committee on Ways and Means

RE-REFERRAL OF A SENATE RESOLUTION

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

Senate Resolution Referred to:

No. 42 Committee on Business and Economic Development, then to the Committee on Ways and Means

MISCELLANEOUS BUSINESS

ADOPTION OF A RESOLUTION

S.R. No. 162:

By unanimous consent, action on S.R. No. 162, entitled: "SENATE RESOLUTION AMENDING THE RULES OF THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF HAWAII TO REQUIRE THE USE OF THE LINE ITEM BUDGET FORMAT FOR THE SENATE BUDGET," was deferred until Friday, March 17, 2006.

Senator Hooser rose on a point of personal privilege and said:

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

"Mr. President and colleagues, just a few days ago on Tuesday, March 14th, on Kauai, a damn built around 1890 collapsed without warning, releasing about 400 gallons of water into an adjacent valley. That water proceeded to destroy thousands of trees, many homes, and tragically has washed many members of our Kauai ohana out to sea. Two fatalities have been confirmed and five other residents are still missing . . . and the rain keeps falling.

"In expressing our condolences for these victims and these families and the many people who have suffered and continue to suffer, I ask you, Mr. President, to request the members to adjourn this meeting on a rising motion and a moment of silence in honor of those victims and families, please."

The Chair so ordered.

ADJOURNMENT

At 12:12 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 17, 2006, on a rising vote, observing a moment of silence for the victims of the Ka Loko Reservoir Dam collapse on the Island of Kauai on Tuesday, March 14, 2006.