

THIRTEENTH DAY

Tuesday, February 6, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Dr. Paul Kamanu, Grace in Action Christian Ministries, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Menor who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 280 to 282) were read by the Clerk and were placed on file:

Gov. Msg. No. 280, dated January 29, 2007, transmitting the Department of Agriculture's Transfer of Revolving Fund Monies Annual Report for Calendar Year Ending December 31, 2006, pursuant to Sections 155-14 and 219-4, HRS.

Gov. Msg. No. 281, dated December 21, 2006, transmitting the Annual Report of the Narcotics Enforcement Division, Department of Public Safety, pursuant to Act 44, SLH 2004, and Section 329-11, HRS.

Gov. Msg. No. 282, letter dated February 5, 2007, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1260, which makes an emergency appropriation of \$950,000 in general funds for fiscal year 2006-2007 as a grant pursuant to Chapter 42F, HRS, to Kahuku Hospital on Oahu to continue its operations, preserve its hospital license, retain its certificate of need and critical access hospital designation, and settle its debts.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 19 and 20) were read by the Clerk and were placed on file:

Dept. Com. No. 19, from the Department of Education, dated February 2, 2007, transmitting the 2006 Superintendent's 17th Annual Report.

Dept. Com. No. 20, from the State Auditor, dated February 5, 2007, transmitting a report "Management Audit of Student Housing Services at the University of Hawaii at Manoa," (Report No. 07-03).

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 5 and 6) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 5, transmitting H.B. No. 21, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2007, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 21, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed First Reading by title and was deferred.

Hse. Com. No. 6, transmitting H.B. No. 25, H.D. 1, which passed Third Reading in the House of Representatives on February 5, 2007, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 25, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSING," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 30 to 33) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 30 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO COOPERATE AND COORDINATE EFFORTS TO HARMONIZE PEDESTRIAN WALK SIGNAL LIGHTS WITH THE PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK LAW."

Offered by: Senators Inouye, Tsutsui, Espero, Hemmings.

No. 31 "SENATE CONCURRENT RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005."

Offered by: Senators Inouye, Baker, Fukunaga, Tsutsui, Ige.

No. 32 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO STUDY THE IMPACT OF CIGARETTE FIRE SAFETY STANDARDS ESTABLISHED IN OTHER STATES."

Offered by: Senators Inouye, Espero, Chun Oakland, Fukunaga, Ige.

No. 33 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RE-EVALUATE THE MEDICARE FORMULA FOR COMPUTING PAYMENTS TO DOCTORS OR TAKE OTHER MEASURES TO AVERT FUTURE REDUCTIONS IN PAYMENTS FOR SERVICES."

Offered by: Senators Inouye, Chun Oakland, Fukunaga, Ige.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 12 to 15) were read by the Clerk and were deferred:

Senate Resolution

No. 12 "SENATE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO COOPERATE AND COORDINATE EFFORTS TO HARMONIZE PEDESTRIAN WALK SIGNAL LIGHTS

WITH THE PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK LAW.”

Offered by: Senators Inouye, Tsutsui, Espero, Hemmings.

No. 13 “SENATE RESOLUTION OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE IMPLEMENTATION OF THE REAL ID ACT OF 2005.”

Offered by: Senators Inouye, Baker, Fukunaga, Tsutsui, Ige.

No. 14 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO STUDY THE IMPACT OF CIGARETTE FIRE SAFETY STANDARDS ESTABLISHED IN OTHER STATES.”

Offered by: Senators Inouye, Espero, Chun Oakland, Fukunaga, Ige.

No. 15 “SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RE-EVALUATE THE MEDICARE FORMULA FOR COMPUTING PAYMENTS TO DOCTORS OR TAKE OTHER MEASURES TO AVERT FUTURE REDUCTIONS IN PAYMENTS FOR SERVICES.”

Offered by: Senators Inouye, Chun Oakland, Fukunaga, Ige.

STANDING COMMITTEE REPORTS

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 11) recommending that S.B. No. 678, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 678, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX,” passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 12) recommending that S.B. No. 868, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 868, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 13) recommending that S.B. No. 750, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 750, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 14) recommending that S.B. No. 695, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 695, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HUNTING,” passed Second Reading and was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 15) recommending that S.B. No. 779 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 779, entitled: “A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Sakamoto, for the Committee on Intergovernmental and Military Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 16) recommending that S.B. No. 618 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 618, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 8, 2007.

Senators Inouye and Sakamoto, for the Committee on Intergovernmental and Military Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 17) recommending that S.B. No. 640 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 640, entitled: “A BILL FOR AN ACT RELATING TO NATURAL DISASTERS TRAINING,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 18) recommending that S.B. No. 523, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and International Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 523, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Second Reading and was recommitted to the Committee on Transportation and International Affairs.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 19) recommending that S.B. No. 162 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 162, entitled: “A BILL FOR AN ACT RELATING TO

IOLANI PALACE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 20) recommending that S.B. No. 845, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 845, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKING APPROPRIATIONS FOR IRRIGATION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 21) recommending that S.B. No. 844 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 844, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 22) recommending that S.B. No. 937, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 937, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NAWAHIOKALANI'OPU'U LABORATORY SCHOOL PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 23) recommending that S.B. No. 847, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 24) recommending that S.B. No. 1127 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1127, entitled: "A BILL FOR AN ACT RELATING TO TRADITIONAL HAWAIIAN KNOWLEDGE CURRICULUM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 25) recommending that S.B. No. 1308 pass

Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1308, entitled: "A BILL FOR AN ACT RELATING TO LOANS FOR AGRICULTURAL AND AQUACULTURE PURPOSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 26) recommending that S.B. No. 840 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 840, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 8, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 27) recommending that S.B. No. 950 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 950, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 8, 2007.

Senator Kokubun, for the majority of the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 28) recommending that S.B. No. 958, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 8, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 29) recommending that S.B. No. 993 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 993, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 30) recommending that S.B. No. 994 pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 994, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING DISTRICT COOLING

SYSTEMS," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 31) recommending that S.B. No. 1531, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 8, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 32) recommending that S.B. No. 546, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 561, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Second Reading and was recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 1877, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," passed Second Reading and was recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 848, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 848, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 36) recommending that S.B. No. 804 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 804, entitled: "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 1034 pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1034, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

ORDER OF THE DAY

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 816	Jointly to the Committee on Health and the Committee on Human Services and Public Housing, then jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Ways and Means
No. 973	Jointly to the Committee on Health and the Committee on Human Services and Public Housing, then to the Committee on Ways and Means
No. 1988	Committee on Commerce, Consumer Protection and Affordable Housing

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, February 7, 2007.