

## SEVENTEENTH DAY

**Monday, February 11, 2008**

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:48 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Utu Langi, Program Director for the Kakaako Shelter, after which the Roll was called showing all Senators present with the exception of Senators English and Ihara who were excused.

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

**MESSAGE FROM THE GOVERNOR**

Gov. Msg. No. 434, submitting for consideration and confirmation as Director for the Office of Environmental Quality Control, the nomination of KATHERINE PUANA KEALOHA, term to expire June 30, 2011, was read by the Clerk and was referred to the Committee on Energy and Environment.

**STANDING COMMITTEE REPORTS**

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2156) recommending that S.B. No. 2873 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. 2873, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 2157) recommending that S.B. No. 3053 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. 3053, entitled: "A BILL FOR AN ACT RELATING TO SIBLING VISITATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Fukunaga and Sakamoto, for the Committee on Economic Development and Taxation and the Committee on Education, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 2158) recommending that S.B. No. 2862, 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 majority of the Committees was adopted and S.B. No. 2862, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2159) recommending that S.B. No. 2197, 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. 2197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT,"

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

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2160) recommending that S.B. No. 2433, 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. 2433, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2161) recommending that S.B. No. 2891 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. 2891, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2162) recommending that S.B. No. 2959 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. 2959, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY, SEWER, REFUSE, AND INSURANCE PREMIUM PAYMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2163) recommending that S.B. No. 2983, 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. 2983, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 2164) recommending that S.B. No. 3145, 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. 3145, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE CITY AND COUNTY OF HONOLULU," 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. 2165) recommending that S.B. No. 2846 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.

2846, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS REDUCTION," 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. 2166) recommending that S.B. No. 2765 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. 2765, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," 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. 2167) recommending that S.B. No. 3073 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. 3073, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PERMITTING FEES," 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. 2168) recommending that S.B. No. 3101 pass Second Reading and be referred to the Committee on Water and Land.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 3101, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF RENEWABLE ENERGY PRODUCER," passed Second Reading and was referred to the Committee on Water and Land.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2169) recommending that S.B. No. 3200, 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. 3200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL RETENTION OF ATTORNEYS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 2170) recommending that S.B. No. 2094, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2094, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2171) recommending that S.B. No. 2221 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. 2221, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC RESTROOMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2172) recommending that S.B. No. 3087, 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. 3087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR SUSPENSION ON PUBLIC WORKS PROJECTS," 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. 2173) recommending that S.B. No. 2409, 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. 2409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2174) recommending that S.B. No. 2574, 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. 2574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the majority of the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2175) recommending that S.B. No. 2823, 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 majority of the Committee was adopted and S.B. No. 2823, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2176) recommending that S.B. No. 2824, 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. 2824, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2177) recommending that S.B. No. 2826, 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. 2826, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2178) recommending that S.B. No. 2867, 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. 2867, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," 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. 2179) recommending that S.B. No. 3064, 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. 3064, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2180) recommending that S.B. No. 2252 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. 2252, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, February 12, 2008.

Senators Menor and English, for the Committee on Energy and Environment and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 2181) recommending that S.B. No. 2549, 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 joint report of the Committees was adopted and S.B. No. 2549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC AUTOMOBILES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 13, 2008.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 2182) recommending that S.B. No. 2011, 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. 2011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2183) recommending that S.B. No. 2783, 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. 2783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOSS MITIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 2184) recommending that S.B. No. 2980 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. 2980, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

## ORDER OF THE DAY

### RE-REFERRAL OF A SENATE BILL

The Chair re-referred the following Senate bill that was introduced:

Senate Bill	Referred to:
S.B. No. 151	Jointly to the Committee on Water and Land and the Committee on Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means

Senator Ige, Chair of the Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

S.B. No. 2192;  
S.B. No. 2336;  
S.B. No. 2414;  
S.B. No. 2543;  
S.B. No. 2928;  
S.B. No. 3016; and  
S.B. No. 3081.

Senator Ige noted:

"Madam President, I'm requesting a waiver for all of these bills in order to meet our first lateral deadline on Friday."

The Chair granted the waiver.

Senator Hee, Chair of the Water and Land, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2926.

Senator Hee noted:

"Madam President, this bill establishes a penalty for motor vehicles on unencumbered lands such as four-wheel-drive trucks on the beach at Ka'a'awa."

The Chair granted the waiver.

## ADJOURNMENT

At 11:57 a.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 12, 2008.