

ELEVENTH DAY

Friday, February 2, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 11:35 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Bunda and Inouye who were excused.

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

At 11:50 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 256 to 260) were read by the Clerk and were placed on file:

Gov. Msg. No. 256, letter dated January 29, 2007, informing the Senate that as of December 1, 2006, the Department of Transportation, Harbors Division, did not expend any funds appropriated by Act 160, SLH 2006, but is currently processing payments relating to the repair and other expenses incurred at Kawaihae Harbor following the October 15, 2006 earthquake.

Gov. Msg. No. 257, dated January 29, 2007, transmitting a Report on the Measure of Effectiveness and Outcomes Achieved by the Temporary Planning Analyst, prepared by the Department of Transportation, Airports Division, pursuant to Act 178, SLH 2005, as amended by Act 160, SLH 2006.

Gov. Msg. No. 258, dated January 30, 2007, transmitting a Report on Flexible Highway Design Guidelines, prepared by the Department of Transportation pursuant to Act 70, SLH 2006.

Gov. Msg. No. 259, letter dated January 26, 2007, reporting on the status of the Emergency and Budget Reserve Fund, pursuant to Act 188, Section 23, SLH 2006.

Gov. Msg. No. 260, dated February 1, 2007, transmitting a Report on the Reinvention of the Vital Statistics System, prepared by the Department of Health, Office of Health Status Monitoring, Vital Statistics System, pursuant to Act 160, Section 36.2, SLH 2006.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 18, from the State Auditor, dated February 1, 2007, transmitting a report "Sunrise Analysis: Mixed Martial Arts," (Report No. 07-02), was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 6) recommending that S.B. No. 5, 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. 5, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," 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. 7) recommending that S.B. No. 331, as amended in S.D. 1, pass Second Reading and be recommitted 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. 331, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC DATA AND INFORMATION," passed Second Reading and was recommitted 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. 8) recommending that S.B. No. 842 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. 842, 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 majority of the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 9) recommending that S.B. No. 6 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. 6, entitled: "A BILL FOR AN ACT RELATING TO OPIHI," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 5, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 5 (Jud. Com. No. 1):

Senator Hee moved that Stand. Com. Rep. No. 5 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate consent to the nomination of KEITH E. TANAKA to the office of Judge, District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Kokubun.

REMARKS

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

Ayes, 23. Noes, none. Excused, 2 (Bunda, Inouye).

At this time, Senator Hee introduced Judge Tanaka and his family to the members of the Senate.

At 12:25 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 o'clock p.m.

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 331, S.D. 1 Committee on Economic Development and Taxation, then to the Committee on Ways and Means

No. 1353 Jointly to the Committee on Intergovernmental and Military Affairs, the Committee on Energy and Environment and the Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

No. 1397 Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Judiciary and Labor

No. 1398 Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Judiciary and Labor

No. 1399 Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Judiciary and Labor

No. 1625 Committee on Intergovernmental and Military Affairs, then jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Transportation and International Affairs, then jointly to the Committee on Economic Development and Taxation and the Committee on Ways and Means

No. 1788 Jointly to the Committee on Tourism and Government Operations and the Committee on Judiciary and Labor

No. 1789 Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Ways and Means

No. 1832 Jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means

No. 1847 Jointly to the Committee on Tourism and Government Operations and the Committee on Commerce, Consumer Protection and Affordable Housing, then to the Committee on Judiciary and Labor

No. 1966 Committee on Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor, then to the Committee on Ways and Means

No. 1967 Jointly to the Committee on Public Safety and the Committee on Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor

ADJOURNMENT

At 12:31 o'clock p.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, February 5, 2007.