SEVENTEENTH DAY

Monday, February 13, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Robert Nakata, Kahaluu United Methodist Church, after which the Roll was called showing all Senators present with the exception of Senators Chun Oakland, Hee and Ihara who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 233 and 234) were read by the Clerk and were placed on file:

Gov. Msg. No. 233, letter dated February 9, 2006, 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. 2238, which makes an emergency appropriation of $1,276,000 in general funds for Fiscal Year 2005-2006 to cover budgetary shortfalls in electricity payments for facilities assigned to the Department of Accounting and General Services.

Gov. Msg. No. 234, letter dated February 9, 2006, 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. 2236, which makes an emergency appropriation of $6,500,000 in general and special funds in Fiscal Year 2005-2006 to cover increases in insurance premiums and to cover anticipated expenditures relating to the May 7, 2005, Kalaheo Elementary School Fire.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 9 to 19) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 9, transmitting H.B. No. 439, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 439, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," passed First Reading by title and was deferred.

Hse. Com. No. 10, transmitting H.B. No. 440, H.D. 2, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 440, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," passed First Reading by title and was deferred.

Hse. Com. No. 11, transmitting H.B. No. 462, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 462, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," passed First Reading by title and was deferred.

Hse. Com. No. 12, transmitting H.B. No. 1787, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1787, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT," passed First Reading by title and was deferred.

Hse. Com. No. 13, transmitting H.B. No. 1825, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1825, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 14, transmitting H.B. No. 1983, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1983, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was deferred.

Hse. Com. No. 15, transmitting H.B. No. 2114, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2114, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed First Reading by title and was deferred.

Hse. Com. No. 16, transmitting H.B. No. 2303, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2303, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed First Reading by title and was deferred.

Hse. Com. No. 17, transmitting H.B. No. 2207, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2207, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed First Reading by title and was deferred.

Hse. Com. No. 18, transmitting H.B. No. 2539, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2539, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed First Reading by title and was deferred.

Hse. Com. No. 19, transmitting H.B. No. 2779, H.D. 1, which passed Third Reading in the House of Representatives on February 10, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2779, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed First Reading by title and was deferred.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2012) recommending that S.B. No. 2189 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2189, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2013) recommending that S.B. No. 2395 pass Second Reading and be referred to the Committee on Higher Education.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2395, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading and was referred to the Committee on Higher Education.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2014) recommending that S.B. No. 3215 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 3215, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2015) recommending that S.B. No. 2337 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2337, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," 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. 2016) recommending that S.B. No. 304, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Labor.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 304, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was recommitted to the Committee on Labor.

Senators English and Ige, for the Committee on Energy, Environment, and International Affairs and the Committee on Intergovernmental Affairs, presented a joint report majority of the Committees (Stand. Com. Rep. No. 2017) recommending that S.B. No. 3073, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3073, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE RECOVERY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Ige, for the Committee on Energy, Environment, and International Affairs and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2018) recommending that S.B. No. 2850, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2850, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," 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. 2019) recommending that S.B. No. 2768, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and Government Operations.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2768, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAX," passed Second Reading and was recommitted to the Committee on Transportation and Government Operations.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2020) recommending that S.B. No. 2780, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Transportation and Government Operations.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2780, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was recommitted to the Committee on Transportation and Government Operations.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 2021) recommending that S.B. No. 2268, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2268, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Baker, for the Committee on Transportation and Government Operations and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 2022) recommending that S.B. No. 3268, as amended in S.D. 1, pass

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

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 3268, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 2023) recommending that S.B. No. 2570, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2570, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," 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. 2024) recommending that S.B. No. 2366, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2366, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2025) recommending that S.B. No. 2736, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2736, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2026) recommending that S.B. No. 2712, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2712, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2027) recommending that S.B. No. 2829, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2829, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE COUNTY OF KAUAI FOR LAND ACQUISITION AND PLANNING FOR IMPROVEMENTS TO POULI ROAD, KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2028) recommending that S.B. No. 2830 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2830, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR IMPROVEMENTS TO KUHIO HIGHWAY, KAUAI," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2029) recommending that S.B. No. 2204 pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2204, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2030) recommending that S.B. No. 2052, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2052, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Hawaiian Affairs.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2031) recommending that S.B. No. 2055 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2055, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 15, 2006.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 2032) recommending that S.B. No. 2049, as

amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Baker, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.B. No. 2049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 15, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2033) recommending that S.B. No. 2773, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2773, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 2034) recommending that S.B. No. 2774, as amended in S.D. 1, pass Second Reading and be recommitted to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Baker, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.B. No. 2774, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was recommitted to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY

REFERRAL OF A HOUSE BILL

MATTER DEFERRED FROM FRIDAY, FEBRUARY 10, 2006

The President made the following committee assignment of a House bill received on Friday, February 10, 2006:

House Bill Referred to:

No. 2286 Committee on Human Services, then to the Committee on Judiciary and Hawaiian Affairs

RE-REFERRAL OF SENATE BILLS

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

Senate Bill Referred to:

No. 304, S.D. 1 Jointly to the Committee on Labor and the Committee on Higher Education, then to the Committee on Ways and Means

No. 2773, S.D. 1 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 2774, S.D. 1 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Water, Land, and Agriculture

No. 2780, S.D. 1 Jointly to the Committee on Transportation and Government Operations, the Committee on Intergovernmental Affairs and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

ADJOURNMENT

At 11:40 o'clock a.m., on motion by Senator Baker, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, February 14, 2006.