

## FOURTEENTH DAY

Tuesday, February 9, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 11:41 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Alan Urasaki, Pacific Buddhist Academy, after which the Roll was called showing all Senators present with the exception of Senator Tokuda who was excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 236 to 238) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 236, submitting for consideration and confirmation to the Contractors License Board, the nomination of RANDALL B.C. LAU, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 237, informing the Senate that on February 9, 2010, the Governor withdrew the nomination of DANE K. ODA to the Hawai'i Paroling Authority, under Gov. Msg. No. 225, dated February 5, 2010, was placed on file.

In compliance with Gov. Msg. No. 237, the nomination listed under Gov. Msg. No. 225 was returned.

Gov. Msg. No. 238, dated February 1, 2010, transmitting the Hawaii Coastal Zone Management Program Report, prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS, was placed on file.

## DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 68) was read by the Clerk and was placed on file:

Dept. Com. No. 68, from the Office of Elections, dated February 8, 2010, transmitting a Report Relating to Office of Election Budget Provisions, pursuant to Act 162, SLH 2009.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 77 and 78) were read by the Clerk and were deferred:

S.C.R. No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Offered by: Senator Hee.

S.C.R. No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF DEPARTMENT OF TAXATION CONTRACTS."

Offered by: Senators Kim, Kidani, Kokubun, Tokuda, Tsutsui, Baker, Chun Oakland, Espero, Galuteria, Hee, Hemmings, Hooser, Nishihara.

## SENATE RESOLUTION

The following resolution (S.R. No. 33) was read by the Clerk and was deferred:

S.R. No. 33 "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Offered by: Senator Hee.

## STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2067) recommending that S.B. No. 2371, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2371, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2068) recommending that S.B. No. 2343, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2343, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE FOR MAMMOGRAMS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Ige and Chun Oakland, for the majority of the Committee on Health and the majority of the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2069) recommending that S.B. No. 2031, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2031, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASE MANAGERS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2070) recommending that S.B. No. 2772, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2772, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2071) recommending that S.B. No. 2669, as amended in

S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2669, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2072) recommending that S.B. No. 2020 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the majority of the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2073) recommending that S.B. No. 2098 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2098, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE CAUCUSES," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2074) recommending that S.B. No. 2064 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2064, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2075) recommending that S.B. No. 2078, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2078, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 2076) recommending that S.B. No. 2226, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2226, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Nishihara, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 2077) recommending that S.B. No. 2607, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2078) recommending that S.B. No. 2817, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2817, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2079) recommending that S.B. No. 2407, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2407, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2080) recommending that S.B. No. 2357, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2357, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2081) recommending that S.B. No. 2361, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTE STREAM REDUCTION," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Government Operations.

Senator Gabbard, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2082) recommending that S.B. No. 2356, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was

adopted and S.B. No. 2356, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAF BLOWERS," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2083) recommending that S.B. No. 2809, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2809, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2084) recommending that S.B. No. 2372, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2372, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUNRISE REVIEWS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2085) recommending that S.B. No. 2544, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2544, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2086) recommending that S.B. No. 2420, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2087) recommending that S.B. No. 2563 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2563, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 2088) recommending that S.B. No. 2926, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," 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. 2089) recommending that S.B. No. 2067, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID ELIGIBILITY," 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. 2090) recommending that S.B. No. 2049, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Sakamoto, for the Committee on Higher Education and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2091) recommending that S.B. No. 2649, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2649, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2092) recommending that S.B. No. 2267, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2267, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2093) recommending that S.B. No. 2274, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 2094) recommending that S.B.

No. 2326 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2326, entitled: "A BILL FOR AN ACT RELATING TO WAGES, HOURS, AND WORKING CONDITIONS OF EMPLOYEES OF CONTRACTORS PERFORMING SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Ige and Chun Oakland, for the majority of the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 2095) recommending that S.B. No. 2466, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2466, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WOMEN AND INFANT CHILDREN FARMERS' MARKET NUTRITION PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2096) recommending that S.B. No. 2528, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Takamine, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 2097) recommending that S.B. No. 2833, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2833, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF PENSION OBLIGATION BONDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Takamine and Taniguchi, for the Committee on Labor and the Committee on Judiciary and Government Operations, presented a joint report (Stand. Com. Rep. No. 2098) recommending that S.B. No. 2061, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2061, 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 Baker, for the majority of the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2099) recommending that S.B. No. 2022, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the majority of the Committee was adopted and S.B. No. 2022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second

Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2100) recommending that S.B. No. 2799, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2101) recommending that S.B. No. 2842, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2842, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2102) recommending that S.B. No. 2887, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2103) recommending that S.B. No. 2408, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Education and Housing.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2408, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Second Reading and was referred to the Committee on Education and Housing.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2104) recommending that S.B. No. 2170 pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2170, entitled: "A BILL FOR AN ACT RELATING TO FORCE FEEDING," passed Second Reading and was referred to the Committee on Judiciary and Government Operations.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2105) recommending that S.B. No. 2533 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2533, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF

PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2106) recommending that S.B. No. 2502 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2502, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety and Military Affairs, presented a report (Stand. Com. Rep. No. 2107) recommending that S.B. No. 2540, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2108) recommending that S.B. No. 2699, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2699, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2109) recommending that S.B. No. 2812, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2812, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2110) recommending that S.B. No. 2596, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GROUP LIFE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2111) recommending that S.B. No. 2015, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2015, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTRASTATE TELECOMMUNICATIONS SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senators English and Hee, for the Committee on Transportation, International and Intergovernmental Affairs and the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 2112) recommending that S.B. No. 2375, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2375, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 2113) recommending that S.B. No. 2524, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Kim, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 2114) recommending that H.B. No. 2162, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2162, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading on Thursday, February 11, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2115) recommending that S.B. No. 2018 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2018, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2116) recommending that S.B. No. 2016 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO LIFE SETTLEMENTS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep.

No. 2117) recommending that S.B. No. 2017 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2017, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE CLAIMS ADJUSTERS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 2118) recommending that S.B. No. 2602 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2602, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE LICENSEES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senators Kokubun and Sakamoto, for the Committee on Higher Education and the Committee on Education and Housing, presented a joint report (Stand. Com. Rep. No. 2119) recommending that S.B. No. 2432 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 2432, entitled: "A BILL FOR AN ACT RELATING TO HAWAII INSTITUTE FOR EDUCATIONAL PARTNERSHIPS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2120) recommending that S.B. No. 2759 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

Senator English, for the Committee on Transportation, International and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 2121) recommending that S.B. No. 2754 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 2754, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 10, 2010.

#### ORDER OF THE DAY

#### AGREE/DISAGREE

#### MATTERS DEFERRED FROM MONDAY, FEBRUARY 8, 2010

S.B. No. 1311, S.D. 1 (H.D. 1):

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 1311, S.D. 1, seconded by Senator Kokubun.

Senator Hee noted:

"This bill will finally allow the Hawai'i Institute of Marine Biology to stop the erosion that has been occurring from the sides because of jurisdictional arguments between the City and the State Department of Land and Natural Resources. The dock has already been condemned and the sides have been falling for years. This is a remedy that will once and for all, presuming that HIMB is a priority for the University of Hawai'i system, to fix what has been an environmental issue because the erosion has caused adverse impacts to the coral reefs that are adjacent to the island."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1311, S.D. 1, and S.B. No. 1311, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," was placed on the calendar for Final Reading on Wednesday, February 10, 2010.

Senator Fukunaga, Chair of the Committee on Economic Development and Technology, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 2748.

Senator Fukunaga noted:

"The purpose of the waiver is to hear S.B. No. 2748 prior to the lateral deadline, and your Committee on Economic Development and Technology will be holding a public hearing on S.B. No. 2748 at 1:30 p.m. in conference room 016 tomorrow."

The Chair granted the waiver.

Senator Hee rose on a point of personal privilege as follows:

"You know, as all of us know, the Senator who lives in Lanikai has indicated this will be his last session as a long-time senior member, not only of the Minority Party, but of the Senate. This may come as somewhat of a surprise to some of you, but he and I have had many heart-to-heart talks since his announcement and I have tried to persuade him to reconsider. He has given no indication that he's the least bit interested in reconsidering and has adamantly restated his intention. I suggested to him that with his announcement that there will be an influx of constituents who will move into his district, in part because of his announced resignation, or announced retirement, from this august body. Being the person he is, he demanded the proof. I have brought the proof. These are new constituents of my friend whom I speak of; these are coqui frogs that were caught in Waimanalo. Here's the proof. New constituents have moved in. They've actually started to breed because they're multiplying in this plastic jar.

"I raise this out of levity because of the seriousness of the Department of Agriculture and what I believe to be the dereliction of its director. Those of you who participated in the Committee on Ways and Means, we offered to unshackle her and unbridle her and allow her to run free and share with the Committee on Ways and Means how we can help to stem the tide of invasive species, as an example. She declined, of which the Chair of Ways and Means, in her inimitable way, suggested to her that in fact the director was not necessary in that she had nothing to offer but the budget presented by the Governor. The Department of Agriculture has the largest cut, and I think most of us understand that it's 43 percent. I see no way that the stemming the tide of new constituents to all of our districts will be abated, and in fact, it's really quite sad that Waimanalo now has new residents that will take up the high-pitched voice of why many people choose not to drink beer in Hilo at night. They can't be heard. So, as you allow me to do a late introduction of the new constituents of Waimanalo—I would like to announce that I have asked the Department of Agriculture to share with us throughout the session new constituents such as fire ants and other invasive species as they arrive. And we call upon all of the members of the Senate to

think real hard as we put the agricultural budget together. Thank you, Madam President.”

Senator Hemmings rose on a point of personal privilege as follows:

“I share the great concern expressed by the previous speaker. Upon my announcement of not seeking reelection, I too am very concerned that this last bastion of conservative representation—one of the last bastions—of the 25<sup>th</sup> Senatorial District is indeed being invaded by Democrats’ coqui frogs.”

At this time, the Chair made the following announcement:

“Referrals and re-referrals are made in accordance with the Supplemental Order of the Day that may be distributed to your offices later this afternoon.”

#### **RE-REFERRAL OF A SENATE BILL**

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

S.B. No.:	Re-referred to:
S.B. No. 2655	Committee on Water, Land, Agriculture, and Hawaiian Affairs

#### **ADJOURNMENT**

At 11:52 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 10, 2010.