

SIXTH DAY

Friday, January 28, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:38 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator Baker, on behalf of the Maui Senators, introduced former State Representative Richard L. Caldito, Jr.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 42 to 96 and 520 to 521) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 42, dated January 11, 2011, transmitting the report, "Geothermal Royalties Dispositions And Status Of Geothermal And Cable System Development Fiscal Year 2009-2010," prepared by the Department of Land and Natural Resources pursuant to Sections 182-19 and 196D-11, HRS, was placed on file.

Gov. Msg. No. 43, dated January 11, 2011, transmitting the report, "Status Of The Program For Environmentally-Themed Products To Support The Environment," prepared by the Department of Land and Natural Resources pursuant to Section 195D-5.5, HRS, was placed on file.

Gov. Msg. No. 44, dated January 11, 2011, transmitting the report, "Operations Of The Filing Office For Financing Statements Under The Uniform Commercial Code, Secured Transactions (Revised Article 9)," prepared by the Department of Land and Natural Resources pursuant to Section 490:9-527, HRS, was placed on file.

Gov. Msg. No. 45, dated January 11, 2011, transmitting the report, "Status Of The Issuance Of Incidental Take License For Endangered, Threatened, Proposed, And Candidate Species; And The Condition Of The Endangered Species Trust Fund For The Period July 1, 2009 - June 30, 2010," prepared by the Department of Land and Natural Resources pursuant to Section 195D-26, HRS, was placed on file.

Gov. Msg. No. 46, dated January 11, 2011, transmitting the report, "Revenues Generated From General Administrative Penalties Imposed Under Chapter 183, Hawaii Revised Statutes," prepared by the Department of Land and Natural Resources pursuant to Section 183-5, HRS, was placed on file.

Gov. Msg. No. 47, dated January 11, 2011, transmitting the report, "Relating To The Land Conservation Fund And The Legacy Land Conservation Program," prepared by the Department of Land and Natural Resources pursuant to Section 173A-5, HRS, was placed on file.

Gov. Msg. No. 48, dated January 11, 2011, transmitting the report, "Relating To The Forest Stewardship Program," prepared by the Department of Land and Natural Resources pursuant to Section 195F-6, HRS, was placed on file.

Gov. Msg. No. 49, dated January 11, 2011, transmitting the report, "Hawaii Statewide Trail and Access System 'Na Ala Hele'," prepared by the Department of Land and Natural Resources pursuant to Section 198D-9(7), HRS, was placed on file.

Gov. Msg. No. 50, dated January 11, 2011, transmitting the report, "Relating To The Wildlife Revolving Fund Fiscal Year 2009-2010," prepared by the Department of Land and Natural

Resources pursuant to Section 183D-10.5, HRS, was placed on file.

Gov. Msg. No. 51, dated January 11, 2011, transmitting the report, "Budgetary And Other Issues Regarding Invasive Species," prepared by the Department of Land and Natural Resources pursuant to Act 162, SLH 2009, was placed on file.

Gov. Msg. No. 52, dated January 11, 2011, transmitting the report, "Relating To The Natural Area Reserves System, Natural Area Partnership Program, And The Financial Condition Of The Natural Area Reserve Fund," prepared by the Department of Land and Natural Resources pursuant to Section 195-6.6, HRS, was placed on file.

Gov. Msg. No. 53, dated January 11, 2011, transmitting the report, "Disaster Relief Expenditures Resulting From The October 15, 2006 Kiholo Bay Earthquake," prepared by the Department of Land and Natural Resources pursuant to Act 78, SLH 2007, was placed on file.

Gov. Msg. No. 54, dated January 11, 2011, transmitting the Report On The Instance Of Usage Of Electric Guns, prepared by the Department of Land and Natural Resources pursuant to Section 134-16(d), HRS, was placed on file.

Gov. Msg. No. 55, dated January 11, 2011, transmitting the Report on Administratively Established Accounts And Funds, prepared by the Department of Land and Natural Resources pursuant to Section 37-52.5, HRS, was placed on file.

Gov. Msg. No. 56, dated December 30, 2010, transmitting The Medical Claims Conciliation Panel and The Design Claims Conciliation Panel Annual Report to the 2011 Legislature, prepared by the Department of Commerce and Consumer Affairs pursuant to Section 93-16, HRS, was placed on file.

Gov. Msg. No. 57, dated January 11, 2011, transmitting the report, "Implementation Of Chapter 190D, Hawaii Revised Statutes Ocean And Submerged Lands Leasing," prepared by the Department of Land and Natural Resources pursuant to Act 176, SLH 1999, was placed on file.

Gov. Msg. No. 58, dated January 11, 2011, transmitting the report, "Land Dispositions Made Of Public Lands For Calendar Year 2010," prepared by the Department of Land and Natural Resources pursuant to Section 171-29, HRS, was placed on file.

Gov. Msg. No. 59, dated January 14, 2011, transmitting the report, "Accounting Of All Receipts From Lands Described In Section 5(f) Of The Admission Act For Fiscal Year 2009-2010," prepared by the Department of Land and Natural Resources pursuant to Act 178, SLH 2006, was placed on file.

Gov. Msg. No. 60, dated January 18, 2011, transmitting a report on the compliance of agencies having policy and oversight responsibilities for the protection of personal information, prepared by the Department of Accounting and General Services, Information Privacy and Security Council, pursuant to Act 10, SLH 2008, was placed on file.

Gov. Msg. No. 61, dated January 18, 2011, transmitting the Hoisting Machine Operator's Advisory Board Annual Report, prepared by the Department of Labor and Industrial Relations pursuant to Section 396-20, HRS, was placed on file.

Gov. Msg. No. 62, dated January 21, 2011, transmitting the report, "Compacts of Free Association and Employment Core Services for Low-Income Persons 2009-2010," prepared by the Department of Labor and Industrial Relations pursuant to Act 158, SLH 2008, was placed on file.

Gov. Msg. No. 63, dated January 21, 2011, transmitting the 2009-2010 Occupational Safety and Health Report of Contested Cases, prepared by the Department of Labor and Industrial Relations pursuant to Section 396-11, HRS, was placed on file.

Gov. Msg. No. 64, dated January 10, 2011, transmitting the Brownfields Cleanup Revolving Loan Fund 2010 Annual Report, prepared by the Department of Business, Economic Development & Tourism pursuant to Act 173, SLH 2002, was placed on file.

Gov. Msg. No. 65, dated January 18, 2011, transmitting the Annual Report of the Stadium Authority - Stadium Special Fund for fiscal year ended June 30, 2010, prepared by the Department of Accounting and General Services pursuant to Section 109-3, HRS, was placed on file.

Gov. Msg. No. 66, dated January 24, 2011, transmitting the Cash Economy Enforcement Act Report, prepared by the Department of Taxation pursuant to Act 134, Section 9, SLH 2009, was placed on file.

Gov. Msg. No. 67, dated January 24, 2011, transmitting the Goals and Objectives Report, prepared by the Department of Taxation pursuant to Act 100, SLH 1999, was placed on file.

Gov. Msg. No. 68, dated January 24, 2011, transmitting the 2009-2010 Annual Report of the Department of Taxation pursuant to Act 180, SLH 2010, was placed on file.

Gov. Msg. No. 69, dated January 24, 2011, transmitting the Electronic Funds Transfer Report, prepared by the Department of Taxation pursuant to Section 231-9.9, HRS, was placed on file.

Gov. Msg. No. 70, dated January 18, 2011, transmitting the School-by-School Expenditure Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS, was placed on file.

Gov. Msg. No. 71, dated January 18, 2011, transmitting the Mandatory Expulsion Policy for Possession of a Firearm SY 2009-2010 Report, prepared by the Department of Education pursuant to Section 302A-1134, HRS, was placed on file.

Gov. Msg. No. 72, dated January 18, 2011, transmitting the Federal Grant Search, Development, and Application Revolving Fund Report, prepared by the Department of Education pursuant to Section 302A-1405, HRS, was placed on file.

Gov. Msg. No. 73, dated January 18, 2011, transmitting the Hawaii 3Rs School Repair and Maintenance Fund Report, prepared by the Department of Education pursuant to Section 302A-1502, was placed on file.

Gov. Msg. No. 74, dated January 18, 2011, transmitting the Annual Report on the Teacher Education Coordinating Committee, prepared by the Department of Education pursuant to Section 304-20, HRS, was placed on file.

Gov. Msg. No. 75, dated January 18, 2011, transmitting a Report Relating to Education School Impact Fees, prepared by the Department of Education pursuant to Act 245, SLH 2007, and Act 188, SLH 2010, was placed on file.

Gov. Msg. No. 76, dated January 18, 2011, transmitting a Report Relating to the State Budget Progress on Restructuring Under NCLB, prepared by the Department of Education pursuant to Act 162, Section 36, SLH 2009, was placed on file.

Gov. Msg. No. 77, dated January 18, 2011, transmitting the Project Funded Staff Report, prepared by the Department of Education pursuant to Act 162, Section 68, SLH 2009, was placed on file.

Gov. Msg. No. 78, dated January 18, 2011, transmitting a Report Relating to GO Bond Funds for School Building Improvements, Statewide (State Budget), prepared by the Department of Education pursuant to Act 180, Section 70.2, SLH 2010, was placed on file.

Gov. Msg. No. 79, dated January 18, 2011, transmitting a Report Relating to Bus Transportation Services for Students (State Budget), prepared by the Department of Education pursuant to Act 180, Section 159.2, SLH 2010, was placed on file.

Gov. Msg. No. 80, dated January 18, 2011, transmitting a Report on Requesting State Public Entities to Commit to Healthier and More Nutritious Meals in Their Programs by Spending More of Their Food Dollars for Locally-Produced Produce or Other Hawaii Agricultural Products, prepared by the Department of Education pursuant to H.C.R. No. 289 (2010), was placed on file.

Gov. Msg. No. 81, dated January 18, 2011, transmitting a Report on Requesting Reports on the Economic Value of Expanded Workforce Development Capacity and STEM Initiatives, prepared by the Department of Education pursuant to H.C.R. No. 297 (2010), was placed on file.

Gov. Msg. No. 82, dated January 18, 2011, transmitting a Report Relating to Education Total Number of Requests for a Due Process Hearing, prepared by the Department of Education pursuant to Act 179, SLH 2008, was placed on file.

Gov. Msg. No. 83, dated January 18, 2011, transmitting a Report Relating to Repeal of School-level Minor Repair and Maintenance Account, prepared by the Department of Education pursuant to Act 31, SLH 2010, was placed on file.

Gov. Msg. No. 84, dated January 18, 2011, transmitting a Report on Requesting the Establishment of a Working Group to Develop a Comprehensive Plan to Improve Awareness of and Strengthen Support for Persons with Dyslexia, prepared by the Department of Education pursuant to S.C.R. No. 110 (2010), was placed on file.

Gov. Msg. No. 85, dated January 18, 2011, transmitting a Report Urging the Superintendent of Education to Establish and Facilitate a Special Education Private School Task Force, prepared by the Department of Education pursuant to S.C.R. No. 150 (2009), was placed on file.

Gov. Msg. No. 86, dated January 18, 2011, transmitting a Report Urging the DOE to Incorporate Sign Language and Other Communication Strategies During Instruction to Enhance the Learning of Children with Cognitive and Other Disabilities, prepared by the Department of Education pursuant to S.C.R. No. 195 (2010), was placed on file.

Gov. Msg. No. 87, dated January 18, 2011, transmitting the July 2010 Report on the Medicaid School-based Claiming Program, prepared by the Department of Education pursuant to Act 141, SLH 2005, was placed on file.

Gov. Msg. No. 88, dated January 18, 2011, transmitting the October 2010 Report on the Medicaid School-based Claiming Program, prepared by the Department of Education pursuant to Act 141, SLH 2005, was placed on file.

Gov. Msg. No. 89, dated January 18, 2011, transmitting the Federal and Trust Funds Report, prepared by the Department of Education pursuant to Section 29-25, HRS, was placed on file.

Gov. Msg. No. 90, dated January 18, 2011, transmitting the State Educational Facilities Improvement Special Fund Report, prepared by the Department of Education pursuant to Section 36-32, HRS, was placed on file.

Gov. Msg. No. 91, dated January 18, 2011, transmitting the Annual Report for Repair and Maintenance, prepared by the Department of Education pursuant to Sections 36-35, 36-36, and 302A-1312, HRS, was placed on file.

Gov. Msg. No. 92, dated January 18, 2011, transmitting the Report on Transfers of Appropriated Funds and Positions, prepared by the Department of Education pursuant to Section 37-74, HRS, was placed on file.

Gov. Msg. No. 93, dated January 18, 2011, transmitting the Report on Carry Over of Funds, prepared by the Department of Education pursuant to Section 37-41.5, HRS, was placed on file.

Gov. Msg. No. 94, dated January 18, 2011, transmitting the Innovation Grant Trust Fund Report, prepared by the Department of Education pursuant to Section 302A-301, HRS, was placed on file.

Gov. Msg. No. 95, dated January 18, 2010, transmitting the Comprehensive Accountability System Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS, was placed on file.

Gov. Msg. No. 96, dated January 18, 2011, transmitting the Annual Educational Assessment and Accountability Report, prepared by the Department of Education pursuant to Section 302A-1004, HRS, was placed on file.

Gov. Msg. No. 520, informing the Senate that on January 27, 2011, the Governor withdrew DR. NEAL PALAFOX, Gubernatorial Nominee as the Director, Department of Health, from consideration by the Senate (Gov. Msg. No. 508), was placed on file.

Gov. Msg. No. 521, submitting for consideration and confirmation to the Supreme Court as Associate Justice, the nomination of SABRINA SHIZUE MCKENNA, term of ten years, was referred to the Committee on Judiciary and Labor.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 1 to 10) were read by the Clerk and were placed on file:

Dept. Com. No. 1, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on University of Hawai'i Special, Revolving, and Trust Funds FY2010 pursuant to Sections 304A-106 and 304A-2007, HRS.

Dept. Com. No. 2, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on Government Operations and Biennium Report on Benchmarks and Performance Indicators pursuant to Act 100, SLH 1999, and Section 304A-2001, HRS.

Dept. Com. No. 3, from the University of Hawai'i, dated December 13, 2010, transmitting the Annual Report of the Student Scholarship and Assistance Special Fund 2009-2010 pursuant to Section 304A-2159, HRS.

Dept. Com. No. 4, from the University of Hawai'i, dated December 13, 2010, transmitting the Annual Report on Research and Training Revolving Fund 2009-2010 pursuant to Section 304A-2253, HRS.

Dept. Com. No. 5, from the University of Hawai'i, dated December 13, 2010, transmitting the Report on University of Hawai'i Project Adjustment Fund pursuant to Act 162, Section 95, SLH 2009, and Act 180, Section 8(1), SLH 2010.

Dept. Com. No. 6, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on Use of University Revenue-Undertakings Funds for FY2011 pursuant to Act 180, Section 4 (14), SLH 2010.

Dept. Com. No. 7, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on Hawai'i P-20 Partnerships for Education and Plans for Education in the Twenty-First Century pursuant to Act 281, SLH 2007.

Dept. Com. No. 8, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on Transfer of Appropriated Funds & Positions pursuant to Section 37-74, HRS.

Dept. Com. No. 9, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on Salary pursuant to Section 304A-1004, HRS.

Dept. Com. No. 10, from the University of Hawai'i dated December 13, 2010, transmitting the Annual Report on The Construction Academy Curriculum pursuant to Section 304A-1144, HRS.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 3 to 20) were read by the Clerk and were deferred:

S.C.R. No. 3 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL IMPACTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR HEARING AIDS."

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

S.C.R. No. 4 "SENATE CONCURRENT RESOLUTION DECLARING THE MONTH OF MAY AS LUPUS AWARENESS MONTH IN HAWAII."

Offered by: Senators Kidani, Baker, Chun Oakland, Fukunaga, Kim, Ryan, Shimabukuro, Solomon, Tokuda.

S.C.R. No. 5 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII MEDICAL BOARD, BOARD OF PSYCHOLOGY, MARRIAGE AND FAMILY THERAPIST PROGRAM, AND MENTAL HEALTH COUNSELOR PROGRAM TO DEVELOP EDUCATIONAL MATERIAL TO PRINT, DISPLAY, AND MAKE AVAILABLE TO PATIENTS INFORMING THEM OF THE APPLICABLE ETHICAL STANDARDS RELATING TO SEXUAL BOUNDARIES IN THE PROVIDER-PATIENT RELATIONSHIP."

Offered by: Senators Baker, Shimabukuro, Chun Oakland, Fukunaga, Kidani, Kim, Ryan, Solomon, Tokuda.

S.C.R. No. 6 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE JOHN A. BURNS SCHOOL OF MEDICINE AND THE SCHOOL OF NURSING AND DENTAL HYGIENE OF THE UNIVERSITY OF HAWAII TO INCLUDE BREASTFEEDING IN EDUCATIONAL CURRICULUM TO EDUCATE MEDICAL PROFESSIONALS TO ADVOCATE AND PROMOTE BREASTFEEDING AMONG EXPECTANT MOTHERS."

Offered by: Senators Kidani, Chun Oakland, Baker, Fukunaga, Ryan, Shimabukuro, Tokuda.

S.C.R. No. 7 "SENATE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONDUCT A STUDY ON WHETHER THE GOALS AND OBJECTIVES OF HAWAII'S SEX OFFENDER LAWS ARE BEING MET AND WHETHER SEX OFFENDER LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED."

- Offered by: Senators Kidani, Baker, Chun Oakland, Tokuda, Fukunaga, Kim, Ryan, Shimabukuro, Solomon.
- S.C.R. No. 8 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR NATUROPATHIC MEDICINE."
- Offered by: Senator Baker.
- S.C.R. No. 9 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO INVESTIGATE THE FEASIBILITY OF SELLING AND PURCHASING CERTAIN STATE-CONTROLLED REAL PROPERTY IN KAKAAKO."
- Offered by: Senators Chun Oakland, Fukunaga, Galuteria, Baker, Espero.
- S.C.R. No. 10 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN IMPACT ASSESSMENT REPORT ON LEGISLATION MANDATING COVERAGE OF PALLIATIVE CARE."
- Offered by: Senators Chun Oakland, Fukunaga, Ihara, Ryan.
- S.C.R. No. 11 "SENATE CONCURRENT RESOLUTION EXTENDING THE DEADLINE FOR THE HOME FOR LIFE TASK FORCE TO REPORT ITS FINDINGS AND RECOMMENDATIONS FOR REDUCING BARRIERS TO AGING IN PLACE AND FACILITATING MULTIGENERATIONAL LIVING."
- Offered by: Senators Ihara, Chun Oakland, Fukunaga, Espero, Ryan.
- S.C.R. No. 12 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE UTILIZATION OF BEST MANAGEMENT PRACTICES IN IRRIGATION TO CONSERVE OUTDOOR WATER USAGE WITHIN THE LANDSCAPE."
- Offered by: Senators Chun Oakland, Shimabukuro, Dela Cruz, English, Fukunaga, Gabbard, Ihara.
- S.C.R. No. 13 "SENATE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES CONGRESS TO ENACT FEDERAL LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY REFORMS."
- Offered by: Senators Chun Oakland, Green, Baker, Dela Cruz, Espero, Fukunaga, Kidani, Solomon.
- S.C.R. No. 14 "SENATE CONCURRENT RESOLUTION DISAPPROVING THE RESET ASIDE OF THE FORMER KULANI CORRECTIONAL FACILITY LANDS FROM THE DEPARTMENT OF PUBLIC SAFETY TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES AS AN EXTENSION OF PU'U MAKA'ALA NATURAL AREA RESERVE AND TO THE DEPARTMENT OF DEFENSE FOR A YOUTH CHALLENGE ACADEMY."
- Offered by: Senators Kahele, Baker, English, Espero, Galuteria, Green, Kidani, Shimabukuro, Kouchi, Nishihara, Ryan, Solomon, Taniguchi, Wakai.
- S.C.R. No. 15 "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."
- Offered by: Senators Galuteria, Chun Oakland, Kidani.
- S.C.R. No. 16 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO ESTABLISH A TASK FORCE ON SUSTAINABLE AGRICULTURAL PRACTICES AND TO CREATE AN INSTITUTE TO TEACH EFFICIENT AND SUSTAINABLE NATURAL FARMING PRACTICES THROUGH HAWAII'S UNIVERSITY SYSTEM."
- Offered by: Senator Dela Cruz, by request.
- S.C.R. No. 17 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE FEASIBILITY OF USING STRANDED ENERGY FROM EXISTING WIND ENERGY GENERATION PLANTS IN THE COUNTY OF HAWAII."
- Offered by: Senators Green, Shimabukuro, Baker, Espero, Fukunaga, Ige, Nishihara.
- S.C.R. No. 18 "SENATE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF ADMINISTRATIVE RULES TO CLARIFY FOR PURPOSES OF THE NOISE POLLUTION LAW THE NUMBER OF PET DOGS THAT MAY BE KEPT."
- Offered by: Senators Green, Espero, Nishihara, Shimabukuro.
- S.C.R. No. 19 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT."
- Offered by: Senator Tsutsui, by request.
- S.C.R. No. 20 "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES' SHARE OF THE TRANSIENT ACCOMMODATIONS TAX."
- Offered by: Senator Tsutsui, by request.

SENATE RESOLUTIONS

The following resolutions (S. R. Nos. 4 to 9) were read by the Clerk and deferred:

S.R. No. 4 "SENATE RESOLUTION RECOGNIZING THE NEED TO REACH OUT TO HAWAII WOMEN AND ENGAGE THEM IN THE POLITICAL PROCESS."

Offered by: Senators Baker, Chun Oakland, Fukunaga, Kim, Ryan, Shimabukuro, Tokuda.

S.R. No. 5 "SENATE RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION."

Offered by: Senators Galuteria, Chun Oakland, Espero, Kidani.

<p>S.R. No. 6 “SENATE RESOLUTION REQUESTING THE CONVENING OF A WORKING GROUP TO INVESTIGATE THE FEASIBILITY OF USING STRANDED ENERGY FROM EXISTING WIND ENERGY GENERATION PLANTS IN THE COUNTY OF HAWAII.”</p> <p>Offered by: Senators Green, Shimabukuro, Baker, Espero, Fukunaga, Galuteria, Ihara.</p>	<p>S.B. No. 1446</p> <p>Referred to: Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH SENATORIAL DISTRICT.”</p>
<p>S.R. No. 7 “SENATE RESOLUTION REQUESTING THE ADOPTION OF ADMINISTRATIVE RULES TO CLARIFY FOR PURPOSES OF THE NOISE POLLUTION LAW THE NUMBER OF PET DOGS THAT MAY BE KEPT.”</p> <p>Offered by: Senators Green, Espero, Nishihara, Shimabukuro.</p>	<p>S.B. No. 1447</p> <p>Referred to: Committee on Judiciary and Labor</p>	<p>“A BILL FOR AN ACT RELATING TO REFUSAL TO PROVIDE SERVICES OR ACCOMMODATIONS FOR THE SOLEMNIZATION OR CELEBRATION OF SAME-SEX MARRIAGES, CIVIL UNIONS, AND OTHER SAME-SEX UNIONS ON RELIGIOUS GROUNDS.”</p>
<p>S.R. No. 8 “SENATE RESOLUTION REQUESTING A STUDY TO IDENTIFY STATE OF HAWAII LAWS THAT MAY NEED AMENDMENT SOON AFTER THE ENACTMENT OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT.”</p> <p>Offered by: Senator Tsutsui, by request.</p>	<p>S.B. No. 1448</p> <p>Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Human Services, then to the Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE.”</p>
<p>S.R. No. 9 “SENATE RESOLUTION URGING THE GOVERNOR TO PRESERVE THE COUNTIES’ SHARE OF THE TRANSIENT ACCOMMODATIONS TAX.”</p> <p>Offered by: Senator Tsutsui, by request.</p>	<p>S.B. No. 1449</p> <p>Referred to: Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO GOVERNMENT.”</p>

JOINT SPECIAL COMMITTEE REPORT

Senator Kim, for the Joint Legislative Investigating Committee created by S.C.R. No. 18, H.D. 1 (2010), presented a report (Joint Spec. Com. Rep. No. 1) on its investigation of the Department of Budget and Finance’s handling of the State’s investment in student loan auction rate securities.

The President ordered the Clerk to file Joint Spec. Com. Rep. No. 1.

ORDER OF THE DAY

FIRST READING

On motion by Senator Espero, seconded by Senator Slom and carried unanimously, the following bills passed First Reading by title and were referred to committee:

<p>S.B. No. 1442 “A BILL FOR AN ACT RELATING TO AGRICULTURE.”</p> <p>Referred to: Committee on Agriculture, then to the Committee on Ways and Means</p>	<p>S.B. No. 1450</p> <p>Referred to: Committee on Education, then to the Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS.”</p>
<p>S.B. No. 1443 “A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS.”</p> <p>Referred to: Committee on Water, Land, and Housing, then to the Committee on Agriculture</p>	<p>S.B. No. 1451</p> <p>Referred to: Jointly to the Committee on Economic Development and Technology and the Committee on Agriculture</p>	<p>“A BILL FOR AN ACT RELATING TO FARM TO SCHOOL MONTH.”</p>
<p>S.B. No. 1444 “A BILL FOR AN ACT RELATING TO AGRICULTURE.”</p> <p>Referred to: Committee on Water, Land, and Housing, then to the Committee on Ways and Means</p>	<p>S.B. No. 1452</p> <p>Referred to: Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO HEALTH INSURANCE.”</p>
<p>S.B. No. 1445 “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT.”</p> <p>Referred to: Committee on Judiciary and Labor, then to the Committee on Ways and Means</p>	<p>S.B. No. 1453</p> <p>Referred to: Jointly to the Committee on Commerce and Consumer Protection and the Committee on Health, then to the Committee on Ways and Means</p>	<p>“A BILL FOR AN ACT RELATING TO PRESCRIPTION MEDICATIONS.”</p>
<p>S.B. No. 1446 “A BILL FOR AN ACT RELATING TO AGRICULTURE.”</p> <p>Referred to: Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor</p>	<p>S.B. No. 1454</p> <p>Referred to: Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on</p>	<p>“A BILL FOR AN ACT RELATING TO FORECLOSURES.”</p>

	Judiciary and Labor, then to the Committee on Ways and Means	S.B. No. 1466	“A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MENTAL HEALTH SERVICES.”
S.B. No. 1456	“A BILL FOR AN ACT RELATING TO ENERGY.”	Referred to:	Committee on Health, then to the Committee on Ways and Means
Referred to:	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Energy and Environment, then to the Committee on Ways and Means	S.B. No. 1467	“A BILL FOR AN ACT RELATING TO THE OFFICE OF AGING.”
S.B. No. 1457	“A BILL FOR AN ACT RELATING TO SUMMARY ADMINISTRATION OF SMALL ESTATES.”	Referred to:	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
Referred to:	Committee on Judiciary and Labor, then to the Committee on Ways and Means	S.B. No. 1468	“A BILL FOR AN ACT RELATING TO HEALTH.”
S.B. No. 1458	“A BILL FOR AN ACT RELATING TO HEALTH.”	Referred to:	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
Referred to:	Jointly to the Committee on Health and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means	S.B. No. 1469	“A BILL FOR AN ACT RELATING TO HEALTH CARE.”
S.B. No. 1459	“A BILL FOR AN ACT RELATING TO THE MEDICAL USE OF MARIJUANA.”	Referred to:	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
Referred to:	Jointly to the Committee on Health and the Committee on Judiciary and Labor, then to the Committee on Ways and Means	S.B. No. 1470	“A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL.”
S.B. No. 1460	“A BILL FOR AN ACT RELATING TO MARIJUANA.”	Referred to:	Committee on Human Services
Referred to:	Jointly to the Committee on Judiciary and Labor and the Committee on Health, then to the Committee on Ways and Means	S.B. No. 1471	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH SENATORIAL DISTRICT.”
S.B. No. 1461	“A BILL FOR AN ACT RELATING TO SCHOOL CHOICE SCHOLARSHIP PROGRAM.”	Referred to:	Committee on Ways and Means
Referred to:	Committee on Education, then to the Committee on Ways and Means	S.B. No. 1472	“A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS.”
S.B. No. 1462	“A BILL FOR AN ACT RELATING TO PUBLIC BENEFIT CORPORATIONS.”	Referred to:	Jointly to the Committee on Agriculture and the Committee on Water, Land, and Housing, then to the Committee on Judiciary and Labor
Referred to:	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	S.B. No. 1473	“A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS.”
S.B. No. 1463	“A BILL FOR AN ACT RELATING TO PARENTAGE.”	Referred to:	Jointly to the Committee on Hawaiian Affairs and the Committee on Human Services, then to the Committee on Ways and Means
Referred to:	Committee on Judiciary and Labor	S.B. No. 1474	“A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INVESTIGATION AND MITIGATION OF DAMAGE DONE BY THE COFFEE BERRY BORER.”
S.B. No. 1464	“A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES.”	Referred to:	Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Ways and Means
Referred to:	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor	S.B. No. 1475	“A BILL FOR AN ACT RELATING TO ATHLETIC CONTEST OFFICIALS.”
S.B. No. 1465	“A BILL FOR AN ACT RELATING TO TEACHERS.”	Referred to:	Committee on Judiciary and Labor
Referred to:	Committee on Education, then to the Committee on Ways and Means		

<p>S.B. No. 1476</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC.”</p> <p>Committee on Energy and Environment, then to the Committee on Ways and Means</p>	<p>S.B. No. 1487</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO EDUCATION.”</p> <p>Committee on Education, then to the Committee on Ways and Means</p>
<p>S.B. No. 1477</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO EDUCATION.”</p> <p>Committee on Education, then to the Committee on Ways and Means</p>	<p>S.B. No. 1488</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO ARBITRATION.”</p> <p>Committee on Judiciary and Labor</p>
<p>S.B. No. 1478</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO HEALTH.”</p> <p>Committee on Health, then to the Committee on Judiciary and Labor</p>	<p>S.B. No. 1489</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO ATTORNEY’S LIENS.”</p> <p>Committee on Judiciary and Labor, then to the Committee on Ways and Means</p>
<p>S.B. No. 1479</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO ENERGY.”</p> <p>Committee on Energy and Environment, then to the Committee on Ways and Means</p>	<p>S.B. No. 1490</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS.”</p> <p>Committee on Commerce and Consumer Protection</p>
<p>S.B. No. 1480</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY.”</p> <p>Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means</p>	<p>S.B. No. 1491</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO DISTRICT COURTS.”</p> <p>Committee on Judiciary and Labor</p>
<p>S.B. No. 1481</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO PUBLIC ACCESS.”</p> <p>Committee on Judiciary and Labor</p>	<p>S.B. No. 1492</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO OPERATING A MOTOR VEHICLE.”</p> <p>Committee on Transportation and International Affairs, then to the Committee on Judiciary and Labor</p>
<p>S.B. No. 1482</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION.”</p> <p>Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means</p>	<p>S.B. No. 1493</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO LIGHT POLLUTION.”</p> <p>Jointly to the Committee on Energy and Environment and the Committee on Economic Development and Technology</p>
<p>S.B. No. 1483</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E).”</p> <p>Committee on Commerce and Consumer Protection</p>	<p>S.B. No. 1494</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTIETH SENATORIAL DISTRICT.”</p> <p>Committee on Ways and Means</p>
<p>S.B. No. 1484</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO INSURANCE.”</p> <p>Committee on Commerce and Consumer Protection</p>	<p>S.B. No. 1495</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO THE WEED AND SEED STRATEGY.”</p> <p>Committee on Judiciary and Labor, then to the Committee on Ways and Means</p>
<p>S.B. No. 1485</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS.”</p> <p>Committee on Education, then to the Committee on Ways and Means</p>	<p>S.B. No. 1496</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES.”</p> <p>Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means</p>
<p>S.B. No. 1486</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT.”</p> <p>Jointly to the Committee on Education and the Committee on Judiciary and Labor, then to the Committee on Ways and Means</p>	<p>S.B. No. 1497</p> <p>Referred to:</p>	<p>“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE ELEVENTH SENATORIAL DISTRICT.”</p> <p>Committee on Ways and Means</p>
		<p>S.B. No. 1498</p>	<p>“A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.”</p>

	Referred to: Committee on Economic Development and Technology	S.B. No. 1510	“A BILL FOR AN ACT RELATING TO ADOPTION RECORDS.”
S.B. No. 1499	“A BILL FOR AN ACT RELATING TO CONDOMINIUMS.”	Referred to: Committee on Human Services, then to the Committee on Judiciary and Labor	
	Referred to: Committee on Commerce and Consumer Protection	S.B. No. 1511	“A BILL FOR AN ACT RELATING TO AQUACULTURE.”
S.B. No. 1500	“A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS.”	Referred to: Jointly to the Committee on Agriculture and the Committee on Water, Land, and Housing, then to the Committee on Ways and Means	
	Referred to: Committee on Health, then to the Committee on Judiciary and Labor	S.B. No. 1512	“A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII.”
S.B. No. 1501	“A BILL FOR AN ACT RELATING TO EDUCATION.”	Referred to: Committee on Education	
	Referred to: Jointly to the Committee on Education and the Committee on Economic Development and Technology, then to the Committee on Ways and Means	S.B. No. 1513	“A BILL FOR AN ACT RELATING TO AGRICULTURE.”
S.B. No. 1502	“A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT.”	Referred to: Committee on Agriculture, then to the Committee on Ways and Means	
	Referred to: Committee on Judiciary and Labor	S.B. No. 1514	“A BILL FOR AN ACT RELATING TO BUILDING PERMITS.”
S.B. No. 1503	“A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION.”	Referred to: Jointly to the Committee on Agriculture and the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs	
	Referred to: Committee on Education, then to the Committee on Ways and Means	S.B. No. 1515	“A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO LIMIT THE ROLE OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO APPOINTING AND REMOVING THE PRESIDENT OF THE UNIVERSITY, AND RAISING FUNDS FOR THE UNIVERSITY.”
S.B. No. 1504	“A BILL FOR AN ACT RELATING TO HIGHWAYS.”	Referred to: Jointly to the Committee on Transportation and International Affairs and the Committee on Energy and Environment, then to the Committee on Ways and Means	
S.B. No. 1505	“A BILL FOR AN ACT RELATING TO ACCRETED LANDS.”	Referred to: Committee on Education, then to the Committee on Judiciary and Labor	
	Referred to: Committee on Water, Land, and Housing, then to the Committee on Judiciary and Labor	S.B. No. 1516	“A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY.”
S.B. No. 1506	“A BILL FOR AN ACT RELATING TO HEALTH.”	Referred to: Committee on Health, then to the Committee on Commerce and Consumer Protection	
	Referred to: Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	S.B. No. 1517	“A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES.”
S.B. No. 1507	“A BILL FOR AN ACT RELATING TO ACUPUNCTURE.”	Referred to: Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means	
	Referred to: Committee on Health, then to the Committee on Commerce and Consumer Protection	S.B. No. 1518	“A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION.”
S.B. No. 1508	“A BILL FOR AN ACT RELATING TO HUMAN SERVICES AND HEALTH.”	Referred to: Committee on Economic Development and Technology, then to the Committee on Judiciary and Labor	
	Referred to: Committee on Human Services, then to the Committee on Ways and Means	S.B. No. 1519	“A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS.”
S.B. No. 1509	“A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH EXAMINATION REPORTS.”	Referred to: Committee on Commerce and Consumer Protection	
	Referred to: Committee on Health, then to the Committee on Judiciary and Labor	S.B. No. 1520	“A BILL FOR AN ACT RELATING TO GOVERNMENT.”

	Referred to: Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means		Housing, then to the Committee on Ways and Means
S.B. No. 1521	“A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES.”	S.B. No. 1531	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIRST SENATORIAL DISTRICT.”
	Referred to: Jointly to the Committee on Education and the Committee on Water, Land, and Housing, then to the Committee on Ways and Means	Referred to: Committee on Ways and Means	
S.B. No. 1522	“A BILL FOR AN ACT RELATING TO DOGS.”	S.B. No. 1532	“A BILL FOR AN ACT RELATING TO TAXATION.”
	Referred to: Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor	Referred to: Committee on Ways and Means	
S.B. No. 1523	“A BILL FOR AN ACT RELATING TO WAIAHOLE AND WAIKANE VALLEYS.”	S.B. No. 1533	“A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS.”
	Referred to: Committee on Water, Land, and Housing, then to the Committee on Ways and Means	Referred to: Committee on Judiciary and Labor	
S.B. No. 1524	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIFTH SENATORIAL DISTRICT.”	S.B. No. 1534	“A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES.”
	Referred to: Committee on Ways and Means	Referred to: Committee on Judiciary and Labor, then to the Committee on Ways and Means	
S.B. No. 1525	“A BILL FOR AN ACT RELATING TO UTILITIES.”	S.B. No. 1535	“A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES.”
	Referred to: Committee on Commerce and Consumer Protection	Referred to: Committee on Judiciary and Labor, then to the Committee on Ways and Means	
S.B. No. 1526	“A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL.”	S.B. No. 1536	“A BILL FOR AN ACT RELATING TO TRAFFIC RECORDS.”
	Referred to: Committee on Judiciary and Labor	Referred to: Committee on Transportation and International Affairs, then to the Committee on Judiciary and Labor	
S.B. No. 1527	“A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN HEALERS.”	S.B. No. 1537	“A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE.”
	Referred to: Jointly to the Committee on Hawaiian Affairs and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	Referred to: Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means	
S.B. No. 1528	“A BILL FOR AN ACT RELATING TO SHIPBOARD GAMING.”	S.B. No. 1538	“A BILL FOR AN ACT RELATING TO HEALTH.”
	Referred to: Jointly to the Committee on Judiciary and Labor and the Committee on Economic Development and Technology, then to the Committee on Ways and Means	Referred to: Committee on Health, then to the Committee on Ways and Means	
S.B. No. 1529	“A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES.”	S.B. No. 1539	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FOURTH SENATORIAL DISTRICT.”
	Referred to: Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means	Referred to: Committee on Ways and Means	
S.B. No. 1530	“A BILL FOR AN ACT RELATING TO PUBLIC LANDS.”	S.B. No. 1540	“A BILL FOR AN ACT RELATING TO TAXATION.”
	Referred to: Jointly to the Committee on Tourism and the Committee on Water, Land, and	Referred to: Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means	
		S.B. No. 1541	“A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE

	BUREAU, THE OMBUDSMAN, AND THE ETHICS COMMISSION.”	Referred to:	Committee on Education, then to the Committee on Ways and Means
Referred to:	Committee on Ways and Means		
S.B. No. 1542	“A BILL FOR AN ACT RELATING TO DOGS.”	S.B. No. 1554	“A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION.”
Referred to:	Committee on Judiciary and Labor	Referred to:	Committee on Education, then to the Committee on Ways and Means
S.B. No. 1543	“A BILL FOR AN ACT RELATING TO ELECTIONS.”	S.B. No. 1555	“A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES.”
Referred to:	Committee on Judiciary and Labor, then to the Committee on Ways and Means	Referred to:	Committee on Water, Land, and Housing, then to the Committee on Ways and Means
S.B. No. 1544	“A BILL FOR AN ACT RELATING TO ELECTIONS.”	S.B. No. 1556	“A BILL FOR AN ACT RELATING TO RAIL TRANSIT STATION DEVELOPMENT.”
Referred to:	Committee on Judiciary and Labor, then to the Committee on Ways and Means	Referred to:	Jointly to the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Judiciary and Labor
S.B. No. 1545	“A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES.”	S.B. No. 1557	“A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SECOND SENATORIAL DISTRICT.”
Referred to:	Committee on Judiciary and Labor, then to the Committee on Ways and Means	Referred to:	Committee on Ways and Means
S.B. No. 1546	“A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS AND RECORDS.”	S.B. No. 1558	“A BILL FOR AN ACT RELATING TO URBAN RENEWAL.”
Referred to:	Committee on Judiciary and Labor	Referred to:	Jointly to the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
S.B. No. 1547	“A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS.”	S.B. No. 1559	“A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS.”
Referred to:	Committee on Transportation and International Affairs, then to the Committee on Energy and Environment	Referred to:	Jointly to the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
S.B. No. 1548	“A BILL FOR AN ACT RELATING TO HEALTH.”		
Referred to:	Committee on Health, then to the Committee on Ways and Means		
S.B. No. 1549	“A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS.”		
Referred to:	Committee on Water, Land, and Housing, then to the Committee on Ways and Means		
S.B. No. 1550	“A BILL FOR AN ACT RELATING TO TAX CREDITS.”		
Referred to:	Jointly to the Committee on Economic Development and Technology and the Committee on Tourism, then to the Committee on Ways and Means		
S.B. No. 1551	“A BILL FOR AN ACT RELATING TO FREEDOM OF INFORMATION.”		
Referred to:	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor		
S.B. No. 1552	“A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES.”		
Referred to:	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor		
S.B. No. 1553	“A BILL FOR AN ACT RELATING TO EDUCATION.”		

THIRD READING

S.B. No. 232, S.D. 1:

Senator Hee moved that S.B. No. 232, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

Senator Galuteria rose to speak in support of the measure and said:

“Mahalo, Mr. President. Colleagues, we are here today to stand up for human rights. Not special rights, but equal rights. We are here to affirm the rights of all who live in Hawai'i to legal protection and social respect for our relationships. But firstly, I'm puzzled by those who insist on predicting the future of this action. Let me be clear. This is but a step to equal rights. It's not a step to a deeper mission or a farther horizon. Our deliberations are for the present.

“The bill is clear. By establishing the status of civil unions in our state, it's not the Legislature's intent to revise the definition or eligibility requirements of marriage under Chapter 572,

Hawaii Revised Statutes. Right here. What about that don't opponents understand?

"This is a justice issue, and I stand to ask this body to move this Civil Union Bill so we may indeed have justice for all. Again, I ask you colleagues to advance this bill; the stars have aligned from here to the Fifth Floor. Let us be the people of justice that we are meant to be. Mahalo, Mr. President."

Senator Slom rose to speak in opposition to the measure and said:

"First of all, let me say that for those of us that have read court cases and court decisions and believe in the Constitution, this is not a civil rights issue or even a justice issue. This is a political and community activist issue; always has been, still is.

"And for those that question why we look into the future, we don't have to look into the future. We can look into the present in other states. We can look at exactly what's happened when these types of measures have passed, what the result has been. But we don't even have to do that. We can listen to the testimony that we had the other day—the three hours/two and a half hours of testimony—in the Senate Judiciary Committee, when the proponents of this bill told us exactly what they want; as they have all along, if we had been listening.

"What they want to do basically is to blur and then erase the lines between civil unions, domestic partnerships, reciprocal beneficiaries—any name you want—and marriage. And if you were to take this Bill 232 and everywhere where the term 'civil unions' appears, substitute the word 'marriage,' you would have exactly what the objective is. And while my good friend and colleague the majority leader said that it's not the intent of the Legislature to supplant marriage with this or any other bill, it's the impact and it's what actually happens. Often times we have good intentions and there are bad consequences.

"We've heard testimony for years, and initially we heard the point that if we just had the reciprocal beneficiaries law, we would take care of the problems that were then being addressed; and some of those problems were very real and they were very serious and they needed addressing. And as those of us who oppose this bill have said, if there are still shortfalls within the domestic partnerships then, in fact, we should address them and change them, but not change the entire law.

"There will be court challenges when this bill passes, and I have no doubt that the bill will pass easily today as it will, probably, in the House. Somebody can say that the stars are in alignment; some of us may say that the roads are unpaved, and that's why it goes from here to the House to the executive branch. Whatever the case, it won't end here. And as we've seen over these many years, if we're talking about human rights, that's all we're talking about. We're not talking about cats or dogs today; that'll be another day, we'll talk about them and foie gras and all the things we spend our time with here, while we should be devoting our time and our energy to fixing our economy and getting people back to work and letting them be self-sufficient. Instead, we divert ourselves into sexual proclivities. And that's what we're emphasizing.

"And make no mistake about it, you can sugarcoat it any way that you want. You can change the wording any way you choose, but that's what we're doing here and we're raising this to a new level. And make no mistake further that many of the same people that support this bill and talk about equal rights are the very same people that have gone after our many traditions in this country, and in this community, and in this body, who sneer at those of us who believe in a higher power. Who singlehandedly tried to deny us the right to pray, but they will not succeed. They have a very aggressive agenda, and it's to the disgrace of legislative bodies all across the country that we fold

up like a house of cards with these challenges which can and should be met in a court of law.

"So vote, as you're going to vote today. Do what you're going to do, but don't tell us this has nothing to do with marriage or nothing to do with creating a right that is not there. We are extending a privilege. I won't belabor the point. You all have your minds made up. You're going to do what you're going to do. Some day you'll have to account for that, but today we'll all vote our conscious. Mr. President, I request a Roll Call vote. (The Chair so ordered.) Thank you."

Senator Hee rose to speak in support of the measure and said:

"I would say normally that I would use the previous speaker's remarks as if they were my own, because I agree with some of the things that he said. We are extending the privilege; we are extending a right. We are, in fact, codifying what the Declaration of Independence said, 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.'

"We are, after all, here today to stand by the Fourteenth Amendment of the United States Constitution that says, 'no State shall' deny 'any person within its jurisdiction the equal protection of the laws.' We are, after all, here to extend the privilege of codifying legislatively, the Bill of Rights of Article I of the Hawai'i State Constitution: 'Equality of rights under the law shall not be denied or abridged by the State.' No person shall be deprived of life, liberty, or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person's civil rights to be discriminated against.

"We are, after all, here to stand by the Hawai'i State Constitution that says, 'the right of the people to privacy is recognized and shall not be infringed.' 'No citizen shall be disenfranchised, or deprived of any of the rights or privileges secured to other citizens.' That's why we're here. What a great day to be here. I think all of us are familiar with the phrase that began with, 'four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.' Of course, Abraham Lincoln meant all people are created equal. And he also said the assertion that all men are created equal was of no practical use in effecting our separation from Great Britain and it was placed in the Declaration, not for that, but for future use. And here we are.

"Some of you may be familiar with Thomas Jefferson, who said, 'all, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possesses their equal rights, which equal laws must protect, and to violate would be oppression.' Some of us may not be as familiar with Aristotle who said, 'Democracy arises out of the notion that those who are equal in any respect are equal in all respects; because men are equally free, they claim to be absolutely equal.'

"We have—in the Senate—the unique opportunity: a perfect storm; a collision of forces with this bill and the confirmation of the next Justice of the Hawai'i Supreme Court. A person who is openly gay. Openly gay. A lesbian. We have that unique privilege of standing in judgment of a woman—a lesbian—to sit on the highest court in the State of Hawai'i. A lesbian who said:

I was raised in Japan and the Philippines by a Japanese mother and an American father and grew up in a bicultural, bilingual, and multi-region household. After my father's untimely death from a

heart attack when I was nine years old, my mother re-entered the work force in order to support me and I experienced how some people treat others differently based on socio-economic status. I decided to obtain a good education and that if some day I achieved a position of authority, to treat all people with the dignity and respect they deserve. I was fortunate to be able to enter the University of Hawai'i and become one of the first beneficiaries of Title IX, The Patsy Mink Act, to be warmly welcomed into the homes of my Native Hawaiian basketball teammates, and to learn the true meaning of Aloha, and to receive an excellent education at our local law school. I was then fortunate to be able to learn and train under excellent attorneys, then to work for a multi-national entity which enabled me to appreciate the importance of a stable, legal environment for economic prosperity. In 1990, I decided that I wanted to enter public service and to give back to the community that had given me so much. I first became a law professor and was able to appreciate the development and impact of law from a scholarly perspective while providing legal services to those who would not have been able to afford an attorney. For the last 17 years I have been honored to serve as a trial judge in every trial court, district court, and family court. I am also privileged to have a wonderful family. Upon careful consideration and based on my participation on various cases as a substitute justice for the last several years, I humbly believe that I am able to make a significant contribution.

"This woman is a scholar and—as we will find, as we go through the confirmation process—is eminently qualified for consideration to the highest court, but this is not about Judge McKenna. This is about us. This is about us, who would seat a lesbian on the highest court and deny her the equal privileges of her colleagues who sit beside her. This is not about Judge McKenna, this is about us; all of us. And we should be proud that the privilege to stand in judgment of this woman belongs to us. And this step today is but the first step—not for Judge McKenna, but for us. Thank you Mr. President."

Senator Solomon rose to speak in support of the measure and said:

"It's my privilege—again, as I mentioned yesterday—to be reappointed back to the Senate; and, of course, and as you know, when I left these halls 10 years ago we were debating this very issue. I want to congratulate the Judiciary Chairman. I want to congratulate our majority leader. I too, feel and support their words. However, Mr. President, I would like to remind each and every one of us sitting here on this floor to look to the bill. As I read Section 1, 'The intent of this measure is to recognize civil unions in Hawai'i. By establishing the status of civil unions in our state, it is not the legislature's intent to revise the definition or the eligibility requirements of marriage under chapter 572, Hawaii Revised Statutes.'

"I want to give credit to our minority leader; I am very happy that he recognizes this is why we have different branches of government, Mr. President. It is a citizen's right, if they are dissatisfied with our good works here, that they can go to the judiciary to get definition or whatever they so desire of the law.

"So with this said, Mr. President, I'm hoping that my colleagues will see fit that we put this aside, that we do get along with the work at hand, which is simply this, Mr. President: yes. The State is on the verge of bankruptcy. We have families, Mr. President, that are living from check to check. That is not a life, Mr. President; that is hell. When you as a mother have to make a decision, do I pay for my child's

milk for their cereal or do I pay my utility bill? This is the challenges of this legislature. This is why we are here today. So, Mr. President, as well as my colleagues, let's get beyond this. Let's realize what the spirit of aloha is all about, which means to include people, no matter their color, no matter their gender, no matter their lifestyle. Yes, marriage is a privilege, but companionship is a right, Mr. President. So, I urge each and every one of you to please get over this task so that we may move on, in the spirit of Ua Mau ke Ea o ka 'Aina i ka Pono. Mahalo."

Senator Kouchi rose to request that remarks in opposition to the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Kouchi's remarks read as follows:

"I rise in opposition to the form of S.B. 232 as passed out of the Committee on Judiciary and Labor and submitted to this body for consideration.

"On its face, the intent of S.B. 232 gives same sex couples the same legal rights as married couples as set out in HRS Chapter 572, the chapter relating to marriage. However, S.B. 232 does not place civil unions under the jurisdiction of the family courts pursuant to HRS Chapter 580 upon its dissolution, nor does S.B. 232 place the civil union and children under the jurisdiction of the family courts.

"It is my belief that the omission of family court jurisdiction which sets out the policy, procedure, and method of dissolving civil unions as set out in HRS Chapter 580, and thereafter dealing with resulting asset distribution, alimony, paternity, support and/or custody issues relating to children of civil unions, will result in adverse unintended consequences and S.B. 232 is therefore fatally flawed.

"For example, without explicit oversight of the family courts upon initial filing of dissolution, if participants to a civil union have a house in one parties' name and one joint bank account, and the party owning the house desires to terminate the civil union, this party may dissolve the union by unilaterally filing a notice of dissolution with the department of health, unilaterally raid the bank account and leave the unsuspecting partner of the now dissolved civil union without a home and funds and there would be no legal recourse for the injured partner.

"Similarly, without explicit oversight of the family courts upon initial filing of dissolution of the civil union with children, the custodial partner would not have clear and unambiguous legal means to obtain sufficient child support payments or benefits or, lack of explicit family court jurisdiction could lead to preventing the noncustodial partner without legal recourse to obtain custody and/or visitation with the child.

"It is for these reasons that I vote in opposition to S.B. 232."

Senator Gabbard rose to speak in opposition to the measure and said:

"Colleagues, good morning. Ke akua me ke aloha to you and your families. A few people, close friends of mine, have told me not to waste my breath on the floor today. They said that the play is in, it's a slam dunk, everybody's mind is made up, and it's a waste of time. And on the surface it seems to be a perfect set-up for a passage of the civil unions bill this session. There appears to be a solid majority in the Legislature. There's a new governor who has promised to sign a civil unions bill if and when it comes to his desk. And I know that some people in our state have grown weary of this cultural battle on civil unions, same sex marriage, and just want to pass this as quickly as possible so that the issue will go away. Yes, this issue has dragged on for over 20 years now and yes, many of the

arguments that we have heard over and over again and it's very tempting to think my mind's made up. It's a civil rights issue, period. But I think that's the easy way out. Each of you know that a significant number of your constituents oppose passage of this bill or any bill that radically changes the definition of marriage and the family.

"What I'm asking from you this morning is to please keep an open mind and an open heart and to carefully consider the societal ramifications and other new developments that have occurred over the last 21 years with regards to this issue. As this bill, or others related to it, winds its way through the House and Senate, all that I ask is that you listen to all sides and that we not try to rush this legislation through so that we can get on to more important issues like jobs and the economy.

"Having dealt with this issue intimately over the last 20 years, believe me, there is nothing more important to the people of Hawai'i than trying to make changes to the sacred institutions of marriage and the family. Colleagues, passing a civil unions bill will not end this debate. We all know that civil unions hasn't been enough to satisfy proponents in Massachusetts, Connecticut, New Jersey, and California where gays and lesbians have gotten the courts to agree that you can't have civil unions on one hand and marriage on the other. For example, in Connecticut they passed the civil unions bill in 2005, but just three years later in 2008, their Supreme Court ruled that failing to give same-sex couples the full rights, responsibilities, and the name of marriage, was against the equal protection clause of the State's Constitution, and they therefore, ordered same-sex marriage legalized. So, we can be sure that as soon as the Governor signs S.B. 232 into law, there will be a challenge in the courts. This will force same-sex marriage on the people of Hawai'i who have consistently shown their opposition.

"One of the arguments that I've heard consistently over the years is from parents—tax paying parents—who object to their children being taught in taxpayer funded public schools that there's no difference between a traditional marriage or a same-sex marriage or civil unions. What will win out: so-called 'marriage equality' or parental rights? Am I exaggerating? It's a fact that in 2003, Massachusetts legalized same-sex marriage and in 2006, a federal court ruled that because homosexual marriage was legal in Massachusetts, that schools actually had a duty to normalize homosexual relationships to children and that schools have no obligation to notify parents or let them opt-out their children.

"Just yesterday I ran into one of my constituents, a very bright public school teacher—I was on a walk in Kalaehoa—who told me this, and I'm paraphrasing. She said, 'I don't care what people do in the privacy of their bedroom. I don't care if they're gay, straight, crooked, or curlicue. The two things that piss me off about this civil unions stuff is one: I will be forced to teach civil unions as equal to traditional marriage—I guarantee that I will quit the teaching profession before I do that—and two: my husband and I are trying our best to instill solid moral values in our children. If this civil union thing happens, it will be taught as part of the curriculum in public schools as equal to traditional marriage which goes against our family's deeply held beliefs and values. We will pull our kids out of public school and put them in private school or homeschool them ourselves if this becomes law.'

"So are we truly ready to go down this road? Also, have we really asked the deeper questions of what this fundamental change, to arguably the most important institution of our civilization, will mean? And if civil unions is the law of the land, what will ultimately win out: our religious freedoms or so-called marriage equality?

"Let me share a quote from a notable gay and lesbian activist Chai Feldman who is an Equal Employment Opportunity Commissioner and also a Georgetown University professor: 'There can be a conflict between religious liberty and sexual liberty, but in almost all cases, the sexual liberty should win because that's the only way that the dignity of gay people can be affirmed in any realistic manner.'

"And when a business refuses to participate in a civil unions ceremony, who will win out: our small businesses or so-called marriage equality? Consider this case: a young Christian photographer was reported to the New Mexico Civil Rights Commission, tried, and found guilty and ordered to pay nearly \$7,000 in attorney's fees after she respectfully declined to photograph the commitment ceremony of a same-sex couple.

"These are all very real concerns that we all have to face if this bill becomes law. It's going to cause a lot of anger and bad feelings in our community if civil unions is rammed through at the first of the session. I know there's a rush to get this passed as quickly as possible, all I'm asking is that we slow down a bit, give the community time to digest what's happening, and again, listen to all sides of the debate with fresh ears and open minds and open hearts. So, in the spirit of aloha, colleagues I will be voting 'no' on S.B. 232, S.D. 1 and I encourage you to do the same. Mahalo for listening."

Senator Baker rose to speak in support of the measure and said:

"Equality under the law is really what compels me to rise in support of this measure, because for me, it really is about equal treatment. It's about how the law views relationships, how the law views the kinds of rights individuals, how they're treated—what kind of rights they have—even though they may look differently or act differently than some of us. It really is about equal treatment under the law.

"We hear 'slow down, you know, we need to consider all of this,' but I believe we've had years of debate on this matter. I don't think that we've seen the list of horrible, and I guess I'm a little offended because I consider myself a Christian and I have to say that the God that I pray to wouldn't want people discriminated against based on their sexual orientation. I just don't believe that. But even if people disagree with me, and I know that there are those here on the floor and in the gallery that do, if you read the legislation, I see nothing in this measure that harms traditional marriage. I can't believe that proponents of traditional marriage who would participate in traditional marriage, would feel threatened by the legitimacy of someone else's relationship. I see nothing that takes away from those values or tells people you can't have a traditional marriage nor does anything to redefine that particular term.

"What I see this bill doing is acknowledging that there are all kinds of different families, there are all kinds of committed relationships, and that all of those need to be treated equally under the law, and that we need to respect one another. We need to respect those that may look at things differently than we do. For me, that's what the Aloha State is all about. That's what our Constitution requires us to do, and that's why I stand in support of this measure. I urge my colleagues to join me. Mahalo."

Senator Slom rose in rebuttal and said:

"You know, it's true. We've had decades of discussion, but apparently we haven't been listening. We had a vote. We had a constitutional amendment. Of course, it was flawed because what people thought that what they were voting for—a very clear definition and delineation of marriage—had one little additional part in it; it gave the Legislature the final say. And we're taking that final say in the Senate today.

"I've said for several decades that if I had my druthers, the government wouldn't be involved at all in marriage and marriage-related issues. And I think that is the proper position, and I will still adhere to that. But for many people, they look to the government to protect them, protect their values, protect their rights, and we see how government has backed away from that.

"We had a vote; we don't encourage the people to vote again. In fact, we won't allow them to vote again, because we feel that the 25 of us here and the 51 in the House have enough wisdom. And we've listened to the right people—they may not be the majority of the people, they may not be the most compelling arguments, but we've listened to them and we're going to vote.

"Of course, some people still have a very sour taste in their mouth remembering on the last day, in the last hour, in the last moment of the 2010 Legislature in the House of Representatives, how that vote was manipulated. And that too, is government.

"But what I really wanted to say as my final remarks, I wanted to comment on some of the things that the Judiciary Chairman brought up. First of all, I like his referral to the minority and the wisdom of the minority; thank you, Mr. Judiciary Chairman. I also find it interesting when someone quotes from the sages of years gone by and they say, 'Well, this is what he really meant; this is what he said.' I think we've seen what they've said and we can make up our own minds.

"The thing that I found outrageous and inappropriate was bringing in the separate discussion of the nominee for the State Supreme Court and couching that in sexual terms. I saw a local TV station do that the other night; they led with that story about her alleged sexual proclivities. Now, I have happened to have had the privilege to know the judge for many years. I respect her, I admire her, I intend to support her; it has nothing to do with her sexual background, and in all those quotes that the Judiciary Chairman read, about her background, her upbringing, her thought, not one time was anything of a sexual nature mentioned. And I think it's a disservice to this Legislature, this Senate, and to the community and to the nominee to bring these things up. She can stand on her own merits. She will be confirmed. She'll be a fine Supreme Court Justice. That has nothing to do with the argument over civil unions, and I think that's really disparaging of all of us. So God bless us all; let's vote."

Senator Hee rose in response and said:

"Don't you just love it; don't you just love a democratic debate? The previous speaker has suggested that we're here to protect the rights. Nobody's here to take away any rights. People can still get married. This bill doesn't change that. You want to get married, get married. So, I don't know what right he's talking about. He thanked me for the wisdom of the minority; I take it back. So, I made a mistake. I gave him too much credit. I put words in his mouth. Don't you just like it when you think the sky's going to fall if the vote is aye? The earth will open up and swallow us all—or maybe we'll turn into Connecticut. But I do want to talk—just briefly—about the double standard of the previous speaker. I spoke to the nominee before coming to the floor today; I asked her if I might use her as an example for all of us. And it should come as no surprise to anyone that the answer was 'yes'.

"I'm not sure what 'sexual proclivity' means. I was looking for a dictionary and I'm not swift enough on Google to find the definition. I don't know what that means, but I know she's a lesbian. She told us and she doesn't hide it. I know she's gay and she's not the only gay judge. I confirmed—when I was Judiciary Chairman the last go-around—another judge who's

gay. The sky didn't fall, the earth didn't swallow us up, and we didn't turn into Connecticut; we're still here. And the Constitution is still here. And the Bill of Rights is still here. And the Hawai'i State Constitution is still here. I don't need a definition for the word 'equal.' Don't need the definition. Equal. I can even write the equal sign—watch me. Equal; two lines. Equal. Until such time that the Constitution is changed, until such time that the Bill of Rights is changed, until such time as the Hawai'i State Constitution is amended, equal means equal. Equal. And if the previous speaker takes offense at my generosity in my interpretation of Abraham Lincoln that 'all men are created equal' as all people are created equal, okay, have it your way; the Republican President meant that all men are created equal. He made a mistake, because all people are created equal.

"If the minority leader takes offense at the use of the next jurist to sit on the Hawai'i Supreme Court, who he has indicated publicly he will vote for, then by voting no today, he's voting on a double standard. He's going to support a lesbian judge of the circuit and vote not to allow that same person the equal liberties of the colleagues she will sit next to, one by one by one by one. And that's what this is about. That's what this is about. This is not an assault on marriage; this doesn't deal with marriage. This does not take away the right for people to marry; marry away! Marry away. This is about equality and this is about justice. It's really quite simple. It's not magical; this is not rocket science. Thank you, Mr. President."

Senator Espero rose to speak in opposition to the measure and said:

"I'd like to rise in opposition to this measure. However, I'd like to look at it from a perspective of 'with reservations.' And I state 'with reservations' because this is my 12th year in a legislative session, and it has been, for me, the most difficult vote that I will be taking. I've spoken with many people within our community, my constituents; and yes, we all know that this state is split on this matter. It has become a very divisive issue, and it's unfortunate that this type of debate and dialogue is coming from the place that we call the Aloha State. But as I listen to my constituents, those that I represent in the district, the majority of those have expressed their displeasure with this bill, but deep inside, I do question whether that is the right choice and the right vote for me. I do reject much of the rhetoric, though, that has been thrown and spewed over the last 12 months. For example, those who are against this measure are bigoted; bigots, or those people who say this measure will harm our children and lead to the decay of our society. Societies change and evolve; civilizations change and evolve and this landmark historic legislation is one that we'll all have to live within the future.

"And when we talk about equality, yes, 'we hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable Rights,' but within our society we do have rules. We do have laws. We do have parameters that we the people set. If we got messages from God written in the clouds, it would be so easy, but that's not how it is. So, a 21-year-old Marine who's about to go to Afghanistan cannot go into a restaurant and have a glass of wine with me. And CJ Ronald Moon, because he has gotten to a certain age in his life where he might be peaking in his intelligence and his ability to make great, sound decisions, he is forced out of a job because of the age requirement of judges. So, there are many areas that we have to look at and consider when we talk about equality for everybody. Why most likely an 'A' student will get into a law school versus a 'C' student; if all men are created equal, why is that the case? Because we humans, we make decisions, we make the rules, we set the laws, we determine what we will live by. And this measure, as

divisive as it is, is one that we must address. My guess is it will be addressed nationally within the courts one day, but once we make our decision here, I am hoping that we will be able to work together, heal the wounds that have been opened and move forward as the Aloha State is.”

Senator Ihara rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Ihara’s remarks read as follows:

“I support S.B. 232 because equality for civil union couples is long overdue.

“I appreciate the Judiciary chair’s efforts to quickly move the civil unions bill forward this session. However, I am concerned about the probability that Administrative Rules will be required to implement the bill. I also believe more clarification is needed to enable the attorney general to provide legal guidance to agencies charged with implementing the bill.

“I believe legislators, like me, who support civil unions, should allow voters to hold us accountable in the 2012 elections; especially if the dire consequences predicted by opponents, actually happens. But, if the predicted harm to society does not occur, I would like that be known before the next election.

“That’s why I prefer to clarify the ambiguities in this bill to allow the civil unions law to start a few months from now. This bill, instead, has a January 1, 2012 effective date—11 months from now—which leaves little time between the first civil unions and the start of the 2012 election campaigns.

“The civil unions vote today on S.B. 232 will show where the Senate stands on this important policy issue. And for this I thank the Judiciary chair. I also hope the bill will be amended to enable civil unions to start in a few months, preferably this July.

“I stand in full support for equal rights for civil union couples. Thank you.”

The motion was put by the Chair and, Roll Call vote having been requested, S.B. No. 232, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL UNIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Dela Cruz, Espero, Gabbard, Kim, Kouchi, Slom).

At this time, the Chair made the following announcement:

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

RE-REFERRAL OF SENATE BILLS

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

S.B. No.:	Re-referred to:
S.B. No. 60	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
S.B. No. 71	Committee on Judiciary and Labor, then to the Committee on Ways and Means

S.B. No. 136	Jointly to the Committee on Water, Land, and Housing and the Committee on Agriculture and the Committee on Energy and Environment, then to the Committee on Ways and Means
S.B. No. 220	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 228	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 254	Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 266	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 289	Committee on Education, then to the Committee on Ways and Means
S.B. No. 623	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 665	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 683	Committee on Water, Land, and Housing
S.B. No. 715	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Energy and Environment, then to the Committee on Ways and Means
S.B. No. 728	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor
S.B. No. 739	Jointly to the Committee on Energy and Environment and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 760	Jointly to the Committee on Water, Land, and Housing and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 764	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology
S.B. No. 765	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 771	Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 775	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Economic Development

	and Technology, then to the Committee on Ways and Means
S.B. No. 778	Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 796	Jointly to the Committee on Economic Development and Technology and the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 800	Jointly to the Committee on Health and the Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 823	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, then to the Committee on Ways and Means
S.B. No. 922	Jointly to the Committee on Education and the Committee on Health
S.B. No. 960	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 981	Committee on Hawaiian Affairs, then to the Committee on Ways and Means
S.B. No. 1040	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.B. No. 1154	Jointly to the Committee on Water, Land, and Housing and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means

At 12:24 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:25 p.m.

STANDING COMMITTEE REPORT

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 3) recommending that S.B. No. 8, S.D. 1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3 and S.B. No. 8, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Monday, January 31, 2011.

ADJOURNMENT

At 12:26 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Monday, January 31, 2011.