

SEVENTEENTH DAY

Monday, February 14, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:43 a.m. with the President in the Chair.

The Roll was called showing all Senators present with the exception of Senator English who was excused.

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

At this time, Senator Chun Oakland introduced 64 students from Pacific Buddhist Academy who were accompanied by Headmaster Pieper Toyama, Assistant Head of School; Mr. Josh Morse, Dean of Students; Ms. Flynn Corson; and faculty and staff Michelle Ching, Cara Mazzei, Liane Vilorio, Blanche Yarnell, Alan Kubota, Loren Otake, Carol Helekunihi, Van Velasco, Kena Heffernan, and Kathi Takakuwa.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 127 to 129 and 522) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 127, dated January 18, 2011, transmitting the Hawaii Ocean Resources Management Plan 2010 Annual Report, prepared by the Department of Business, Economic Development and Tourism, Coastal Zone Management Program, pursuant to HCR 137, SLH 2005, was placed on file.

Gov. Msg. No. 128, dated January 24, 2011, transmitting the Annual Report on the Status of the Office of Health Care Assurance Special Fund, prepared by the Department of Health pursuant to Section 321-1.4, HRS, was placed on file.

Gov. Msg. No. 129, dated January 27, 2011, transmitting a Report on the Statewide Children's Mental Health Services Plan, prepared by the Department of Health, Child and Adolescent Mental Health Division, pursuant to Sections 321-175 and 176, HRS, was placed on file.

Gov. Msg. No. 522, submitting for consideration and confirmation as Chairperson of the Public Utilities Commission, the nomination of HERMINA MORITA, term to expire June 30, 2014, was referred to the Committee on Commerce and Consumer Protection.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 8) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 8, returning S.B. No. 232, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on February 11, 2011, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 232, S.D. 1, seconded by Senator Shimabukuro.

Senator Hee noted:

"Your committee has reviewed the amendments made by the House. Your committee chair has also discussed the amendments with some of the advocates for the bill. Your committee had some discussion with some of the members who have reservations about the bill. Taken in totality and particularly with the discussion of two staff attorneys assigned to Judiciary, while your committee believes that wordsmithing may have been better, it doesn't rise to the level of disagreement; so therefore, as chair of the committee—respectfully—we move to agree. Thank you."

The motion was then put by the Chair and carried, with Senators Gabbard and Slom voting "No," the Senate agreed to the amendments proposed by the House to S.B. No. 232, S.D. 1, and S.B. No. 232, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL UNIONS," was placed on the calendar for Final Reading on Tuesday, February 15, 2011.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 30) was read by the Clerk and was deferred:

S.C.R. No. 30 "SENATE CONCURRENT RESOLUTION DECLARING THE SOVEREIGN RIGHTS OF STATES UNDER THE CONSTITUTION OF THE UNITED STATES."

Offered by: Senator Fukunaga, by request.

SENATE RESOLUTION

The following resolution (S.R. No. 11) was read by the Clerk and was deferred:

S.R. No. 11 "SENATE RESOLUTION DECLARING THE SOVEREIGN RIGHTS OF STATES UNDER THE CONSTITUTION OF THE UNITED STATES."

Offered by: Senator Fukunaga, by request.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 118) recommending that S.B. No. 333, as amended in S.D. 1, be recommitted to the Committee on Economic Development and Technology.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was recommitted to the Committee on Economic Development and Technology.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 119) recommending that S.B. No. 704, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 704, 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. 120) recommending that S.B. No. 703, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 703, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO 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. 121) recommending that S.B. No. 188, as amended in S.D. 1, pass

Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSSIL FUELS," 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. 122) recommending that S.B. No. 107 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 107, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF HAWAII TO REAFFIRM AND STRENGTHEN THE STATE'S COMMITMENT TO ENVIRONMENTAL RIGHTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 123) recommending that S.B. No. 723 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 723, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 124) recommending that S.B. No. 153 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 153, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," 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. 125) recommending that S.B. No. 1479, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1479, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," 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. 126) recommending that S.B. No. 1476, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1476, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC," 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. 127)

recommending that S.B. No. 1244, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Gabbard and Tokuda, for the Committee on Energy and Environment and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 128) recommending that S.B. No. 1197, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," 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. 129) recommending that S.B. No. 745, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 745, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING," 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. 130) recommending that S.B. No. 725, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 725, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Nishihara, for the Committee on Energy and Environment and the Committee on Agriculture, presented a joint report (Stand. Com. Rep. No. 131) recommending that S.B. No. 722, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 722, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENTAL RESPONSE, ENERGY, AND FOOD SECURITY TAX," 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. 132) recommending that S.B. No. 699, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 699, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL," 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. 133) recommending that S.B. No. 189, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 189, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 134) recommending that S.B. No. 1130 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 135) recommending that S.B. No. 1290 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1290, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 136) recommending that S.B. No. 878, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LAND MAMMAL," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Baker and Hee, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 137) recommending that S.B. No. 92, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 92, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM DISPUTE RESOLUTION," 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. 138) recommending that S.B. No. 39, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 39, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

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

No. 139) recommending that S.B. No. 1231, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 140) recommending that S.B. No. 105, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 105, 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 Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 141) recommending that S.B. No. 1301, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1301, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING EXEMPTIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 142) recommending that S.B. No. 144 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 144, entitled: "A BILL FOR AN ACT MAKING A GRANT-IN-AID APPROPRIATION TO THE COUNTIES TO FINANCE DROUGHT MITIGATION PROJECTS AND MEASURES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 143) recommending that S.B. No. 696 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 696, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 144) recommending that S.B. No. 582, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 582, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO COUNTY MUTUAL AID," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 145) recommending that S.B. No. 218 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 218, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 146) recommending that S.B. No. 279, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 279, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 147) recommending that S.B. No. 174, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 174, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 148) recommending that S.B. No. 420, S.D. 1, as amended in S.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 420, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 149) recommending that S.B. No. 233, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 233, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 150) recommending that S.B. No. 979, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 979, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WELLNESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 151) recommending that S.B. No. 594, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 594, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 152) recommending that S.B. No. 1139 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1139, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS," 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. 153) recommending that S.B. No. 729, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 154) recommending that S.B. No. 36, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 36, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senators Espero and English, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Transportation and International Affairs, presented a joint report (Stand. Com. Rep. No. 155) recommending that S.B. No. 170, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senators Espero and Dela Cruz, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 156) recommending that S.B. No. 1213, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 157) recommending that S.B. No. 1309, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE LIEUTENANT GOVERNOR SPECIAL FUND," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 158) recommending that S.B. No. 250, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 250, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON SALARIES," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, February 16, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 159) recommending that the Senate advise and consent to the nomination of KALBERT K. YOUNG as the Director of the Department of Budget and Finance, in accordance with Gov. Msg. No. 518.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 159 and Gov. Msg. No. 518 was deferred until Tuesday, February 15, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 160) recommending that the Senate advise and consent to the nomination of FREDERICK D. PABLO as the Director of the Department of Taxation, in accordance with Gov. Msg. No. 519.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 160 and Gov. Msg. No. 519 was deferred until Tuesday, February 15, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 161) recommending that S.B. No. 298, as amended in S.D. 1, be recommitted to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGULATION," was recommitted to the Committee on Commerce and Consumer Protection.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 117 (Gov. Msg. No. 504):

Senator Nishihara moved that Stand. Com. Rep. No. 117 be received and placed on file, seconded by Senator Kahele and carried.

Senator Nishihara then moved that the Senate advise and consent to the nomination of RUSSELL S. KOKUBUN as the Chairperson of the Board of Agriculture, term to expire December 31, 2014, seconded by Senator Kahele.

Senator Nishihara rose in support of the nominee as follows:

"Mr. President, I rise in strong support of Governor's Message No. 504, submitting for consideration and confirmation to the Chairperson of the Board of Agriculture gubernatorial nominee Russell S. Kokubun, for a term to expire December 2014. Many of us in this room are very familiar with Russell, having worked with him for the past decade as a fellow

legislator. We know him to be an honorable and hardworking person who cares deeply about the future of our islands.

"Russell grew up in Kaimukī, and gained an early appreciation for agriculture by helping his mother and grandmother operate an extensive family garden that partially supplied food for the family. After graduating from college, he worked for several years as a farm laborer on the Big Island before purchasing and operating for nearly 10 years his own vegetable farm, which he still owns today. And while his career path eventually took him into public service at both county and state levels, he has always retained a significant interest and concern in Hawai'i's farmers and agricultural industry. In fact, in recent years, Russell has served as the Hawai'i island member of the state's Board of Land and Natural Resources, as the chair of the Hawai'i 2050 Sustainability Task Force that delved greatly into the agricultural arena, and as chair of our own Water, Land, Agriculture, and Hawaiian Affairs Committee. I believe there are few individuals in our state who have had the experience and understand the complexities and challenges that agriculture faces. Russell knows that while such issues will not be easily resolved, the future of our state and our people relies greatly on our ability to enhance and expand our agricultural industry.

"The committee heard 83 testimonies, all in overwhelming support, attesting to Mr. Kokubun's qualifications, awareness of the issues, and challenges facing the agricultural industry and farmers in Hawai'i. They were effusive in their respect and belief that he was the best appointee to come into the Board of Agriculture. In light of today, Valentine's Day, Mr. Kokubun has certainly won the hearts and minds of those whom he supervise, advise, and direct. The committee heard the testimonies and his statements in support of agriculture in this state and his plans to focus on energy and food sustainability and security; identification of important agricultural lands; and the restoration, maintenance, and improvement of our agricultural infrastructure, thus endearing and securing the committee's unanimous support for Mr. Kokubun.

"As a former colleague, whom I and others admire and respect, Mr. Kokubun deserves to be confirmed by this body. So, colleagues the committee recommends that we consent to confirm this nominee so he can devote his complete energy and zeal into the job of reviving our agricultural industry in Hawai'i. Thank you, Mr. President."

Senator Tokuda rose in support of the nominee as follows:

"As you all know, there are so many things that we can say about Director Kokubun. By my count, at least 2,050 occasions on which he exhibited strong and fair leadership, which is why writing this speech was very difficult for me. So, I had to do my best to channel my inner Hanabusa and paint a balanced but bluntly honest portrait of the man that is Russell Kokubun.

"From the very first time I met the nominee, it was clear to me that he cared about creating a sustainable future for our islands. In fact, during one of our very first meals together, he showed me, through his actions, how committed he was to sustainability.

"To you and me, this is an ordinary pair of chopsticks right here, but to Russell Kokubun, these can be, and often are, instantly recycled into highly effective toothpicks (which I promise, Russell, I'll give them to you when you come on the floor; I haven't used them just yet). Waste not, want not, he is constantly setting an example of how we need to live in order to get to the preferred future we all see.

"I assure you colleagues that under Russell Kokubun's watch, there will be no Gestapo-like decisions; stakeholders young and old will be able to share their thoughts and be involved in the process, confirming the statewide importance

that agriculture should and will play in Hawai'i's future. Director Kokubun will also make sure that our aging agricultural infrastructure is sound and prepared to support the rebirth of this industry. With Russell at the helm, fields will grow, water will flow, and—I assure you—there will be no broken pet cock valves. I don't even know what a pet cock valve is, but my colleague from Kahuku via Moloka'i was once very concerned about the condition of our state's pet cock valves, and I know if anyone can fix a broken pet cock valve, it's Russell Kokubun.

"I would also say that if there is anyone who ever doubted Director Kokubun's fruitful abilities, they need not look any further than his silver Toyota Tacoma. I, along with thousands of other Twitter and Facebook followers and friends, have witnessed in awe the minor miracle of a pair of 'ulu, not one fruit, but two fruit, miraculously appearing on the roof of his truck. If there were ever a department that needed to have such a fertile director, it would be this one.

"While some of you may only understand the relevance of 85 percent of what I have said and are unclear as to the other 15 percent, trust me when I say that in the end it is all important. Whether you call him Senator Kokubun, Director Kokubun, or—my personal favorite—Russell Co-Co-bun (which really makes him sound like some kind of high-end French chocolate pastry), I support the Director's nomination 110 percent.

"In all seriousness, he has been a wise mentor and a good friend to me since I first took office. Russell was often the first person I called when I had a question and the last person I spoke to when I had to make a tough decision. He added perspective to my positions and, when needed, held me back—sometimes literally—when emotions got the best of me. Through Russell, I have learned that balance and patience can go a long way, but that when the moment calls upon you to make a quick decision, a good leader acts fairly and decisively. As his vice chair, I watched as he ran our committee in a fair, but firm manner. He gave me opportunities to learn the ropes and ultimately made it possible for me to branch out on my own.

"By far, Russell Kokubun is the most qualified individual for this position or any other job that requires strong leadership with the public's best interest at heart. While I still feel very much abandoned and have been taking it out on him in the form of questions at our hearings, I know that he is where he needs to be. He is a good son, a good father, husband, grandfather, and friend; and it is with no reservation that I strongly support his confirmation. Thank you."

Senator Hee rose on a point of inquiry and said:

"Will you ask the previous speaker if Russell Kokubun wrote her speech, or does she have a newfound genuine sense of humor?"

Senator Tokuda responded:

"I took inspiration from my colleague from Kahuku in writing this speech. Thank you very much."

Senator Hee rose in support of the nominee as follows:

"Let me say in support, regardless of whether he knows what a pet cock valve is. The previous speaker allows the Senate to measure him in four years should he come to confirmation, and the presumption is, based on the comment of the previous speaker, that every pet cock valve in the State of Hawai'i will be fixed, which suggests then the irrigation system will be fixed as well. I want to thank the previous speaker for engaging me to rise in support Russell Kokubun, not 'Co-Co-bun' as the previous majority leader used to say before he became head of

OEQC, I understand, and if we get to confirm him, I would expect that we will remind him of his mispronunciation of Co-Co-bun, which really drove Russell Kokubun up the wall. And, because of that, I support him. Thank you, Mr. President."

Senator Slom rose in support of the nominee as follows:

"I have polled the Senate minority, and we are in agreement that we support Mr. Kokubun, a.k.a 'Co-Co-bun'. He is experienced. He is dedicated. And, you know, we are the only state in the union that has protection for agriculture in our constitution. We spend a great deal of time talking about agriculture, but that's generally what we do: just talk about protection of agriculture. We haven't done it. And we know that there are many challenges ahead as the head of the Agriculture Committee has said. There are competing and conflicting interests for our very valuable agricultural lands, but I am struck by Russell's imagination and creativity, and I know that he will be beneficial for all of us at this time. I particularly, Mr. President, am impressed with his ideas for growing taro in the moat around the Capitol, filling in parts of it and using his agricultural skills on the North 40. I think it would be really good if the Senate, in fact, can be the first example of sustainability, and we close all the fast food restaurants in a two-block radius, tell the trucks to go away, because Russell Kokubun decides fixing all the valves will also grow all the food for us. So, it gives me a great deal of pleasure to support his confirmation. Thank you."

Senator Kahele rose in support of the nominee as follows:

"When one thinks of Russell Kokubun, certain traits immediately come to mind. Committed, loyal, hardworking, intelligent, fair, and humble are just a few that define this man. His near decade of service to our state and this body demonstrates his adherence to these traits, indicated not only by the long record of legislation he successfully authored through, but also by his reputation that remains established amongst his colleagues, friends, and especially his former staff. Russell Kokubun's virtues exude collaboration and command respect from all of the people he works with. His leadership exemplifies the qualities needed to lead the Department of Agriculture at such a crucial time. His intimate knowledge of the critical issues facing the department will better enable the Board of Agriculture to render and execute informed decisions.

"Through his leadership on the Hawai'i 2050 Sustainability Task Force, he is well-positioned to implement components of the progressive long-range plan, particularly with regards to agriculture, that he was instrumental in creating. They include: the continued support for increased innovation and diversification of our agricultural industry; the conservation and protection of our important agricultural lands in line with the provisions of Article XI, Section 3, of the Hawai'i State Constitution; and the need to decrease Hawai'i's overdependence on imported sources of food and energy. These are areas that our Department of Agriculture can directly affect, and are also areas where Director Kokubun has worked on and improved through his efforts on the 2050 Task Force. Our most productive and valuable agricultural lands are faced with competing needs between various development projects and the need to provide land for food and energy production.

"Russell Kokubun's ability to approach problems objectively and with a reasoned mind will ensure that decisions are rendered with our state's agricultural needs at the heart of the discussion. I am confident that he will bring balance to any issues being considered by the Department of Agriculture, and am convinced in his ability to work effectively with stakeholders for the betterment of our state. One piece of advice, along with what my colleagues have previously said, that I would offer to the director was given to me by his former staff: to make sure that he is aware of those pesky pet-cocks.

They can be rather problematic. Again, I strongly support his nomination and ask my colleagues to join me in confirming him to lead the Hawai'i State Department of Agriculture.

"In closing, I would like to say, as his successor here in the Senate, that when I got here with two days to go and Opening Day was going to be happening at the Legislature a few days later on the 19th of January, I was very concerned about what we were going to be offering to the public and the people that were coming down here to the Capitol. And my staffer Linda Menda approached me and said, 'Senator, not to worry,' because Russell had left enough in the kitty that we were able to provide refreshments for the people who stopped by our office. And that's the kind of person that Russell Kokubun is. I've known him for the past 30 years and have great respect for Russell and also his wife Anne, who sits alongside of him, and his family. Good luck, Russell. Thank you and mahalo."

Senator Solomon rose in support of the nominee as follows:

"In support and incorporate the previous speaker's remarks as though they were my own, Mr. President. [The Chair so ordered, by reference only.] And just to wish Mr. Kokubun well on his way, and just to remind him of the Hawaiian values that are associated with our mahi'ai, or our agriculture: 'ike, to recognize; mālama 'āina, to care for the land; and of course, wai 'ola, and the water. So, with those thoughts in mind, Mr. President, it is my privilege, my honor, to be able to support a friend, a colleague, and someone whom I have great confidence that's going to turn Hawai'i to the right direction when it comes to our agriculture. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (English).

At this time, Senator Nishihara introduced Chair Kokubun, who was accompanied by his wife Anne.

At 12:07 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:14 p.m.

THIRD READING

S.B. No. 20, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 20, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

S.B. No. 163, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 163, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

S.B. No. 1260, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

S.B. No. 1318, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

S.B. No. 19:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 19, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TREASURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

S.B. No. 1271:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1271, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC NOTICES FOR THE EXPENDITURE CEILING AND THE AWARDING OF GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (English).

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. 298, S.D. 1	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor

At this time, Senator Kim extended happy birthday wishes to Senate Clerk Carol Taniguchi.

ADJOURNMENT

At 12:17 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Tuesday, February 15, 2011.