

TWENTY-FOURTH DAY

Thursday, March 3, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:32 a.m. with the President in the Chair.

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

The President announced that he had read and approved the Journal of the Twenty-Third Day.

At this time, Senator Tokuda—on behalf of the Uchinanchu Senators Shimabukuro, Ige, and herself, as well as Senator Nishihara who is Uchinanchu at heart, and Senator Kouchi who has the honor of being married to a Gushiken—introduced a group of 25 high school students and 2 middle school students from Okinawa who were seated in the gallery. Also recognized were Mr. Kenichi Nakayoshi, Student Exchange Program Coordinator for the Okinawa Board of Education; Mr. Kazunari Hayashi from Okinawa Yomitan High School; Ms. Chihiro Kinjo from Chubu Agricultural High School; Lynn Miyahira, cousin of Senator Tokuda and former manager of the English teachers for the Okinawa Board of Education; and former State Representative Dennis Arakaki, Hawai'i Program Coordinator.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 167 to 174 and 1101 to 1103) were read by the Clerk and were placed on file:

Gov. Msg. No. 167, dated February 17, 2011, transmitting the Report on the Study, Control and Mitigation of the Bee Mite Infestation, prepared by the Department of Agriculture pursuant to Act 162, SLH 2009.

Gov. Msg. No. 168, dated February 17, 2011, transmitting the Report on the Impact of the Important Agricultural Land Qualified Agricultural Cost Tax Credit and a Quantitative and Qualitative Assessment of the Impact of the Loan Guaranty Program, prepared by the Department of Agriculture and the Department of Taxation pursuant to Act 233, SLH 2008.

Gov. Msg. No. 169, dated February 17, 2011, transmitting the Annual Report on the Agricultural Development and Food Security Special Fund, prepared by the Department of Agriculture pursuant to Act 173, SLH 2010.

Gov. Msg. No. 170, dated February 3, 2011, transmitting the Department of Agriculture's Annual Report, pursuant to Act 100, SLH 1999.

Gov. Msg. No. 171, dated February 24, 2011, transmitting the Annual Report on the Activities of the Radiologic Technology Board for Fiscal Year 2009-2010, prepared by the Department of Health pursuant to Section 466J, HRS.

Gov. Msg. No. 172, dated February 24, 2011, transmitting the Annual Report on the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities for Fiscal Year 2009-2010, prepared by the Department of Health pursuant to Section 340B-12, HRS.

Gov. Msg. No. 173, dated February 24, 2011, transmitting a Report Relating to the Drinking Water Treatment Revolving Loan Fund, prepared by the Department of Health pursuant to Section 340E-33, HRS.

Gov. Msg. No. 174, dated February 24, 2011, transmitting a Report Relating to the State Water Pollution Control Revolving Fund, prepared by the Department of Health pursuant to Section 342D-82, HRS.

Gov. Msg. No. 1101, informing the Senate that on February 23, 2011, the Governor signed into law Senate Bill No. 232, S.D. 1, H.D. 1 as Act 1, entitled: "RELATING TO CIVIL UNIONS."

Gov. Msg. No. 1102, informing the Senate that on February 23, 2011, the Governor signed into law House Bill No. 1077, H.D. 2 as Act 2, entitled: "RELATING TO EMPLOYMENT SECURITY LAW."

Gov. Msg. No. 1103, informing the Senate that on February 23, 2011, the Governor signed into law Senate Bill No. 1286, S.D. 1 as Act 3, entitled: "RELATING TO THE BUDGET."

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 64 and 65) were read by the Clerk and were placed on file:

Dept. Com. No. 64, from the Department of Budget and Finance dated February 14, 2011, transmitting a request by the Department of Education to expend additional Federal Education Jobs "V" funds.

Dept. Com. No. 65, from the Office of the Administrative Director of the Courts dated March 1, 2011, transmitting a report relating to wire, oral, or electronic communications and reports concerning pen registers and trap and trace devices based on information received from the Attorney General and the County Prosecuting Attorneys.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 40 to 56) were read by the Clerk and were deferred:

S.C.R. No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senator Slom.

S.C.R. No. 41 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS A BALANCED BUDGET."

Offered by: Senators Slom, Espero, Green, Kidani, Ryan, Shimabukuro, Solomon, Wakai.

S.C.R. No. 42 "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ASSESS MAXIMUM FINES, SETTLEMENTS, AND LIENS FOR MULTIPLE AND EGREGIOUS VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH AND SAFETY ORDINANCES."

Offered by: Senators Slom, Espero, Fukunaga, Green, Ige, Kidani, Nishihara, Shimabukuro, Solomon, Wakai.

S.C.R. No. 43 "SENATE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO DEFER DECISION-MAKING ON THE CLOSURE OF PUUHALE AND KALIHI ELEMENTARY SCHOOLS UNTIL THE NEW MEMBERS OF THE BOARD OF EDUCATION ARE APPOINTED BY THE GOVERNOR AND SEATED."

Offered by: Senators Chun Oakland, Kim, Wakai, Fukunaga, Galuteria.

S.C.R. No. 44 "SENATE CONCURRENT RESOLUTION ENCOURAGING FURTHER IMPLEMENTATION OF HOUSING FIRST PROGRAMS AND SERVICES TO COMBAT CHRONIC HOMELESSNESS."

Offered by: Senators Chun Oakland, Galuteria, Fukunaga, Kim.

S.C.R. No. 45 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR SURVIVORS OF TRAUMATIC BRAIN INJURIES."

Offered by: Senators Chun Oakland, Fukunaga, Green, Galuteria.

S.C.R. No. 46 "SENATE CONCURRENT RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH."

Offered by: Senators Chun Oakland, Shimabukuro, Fukunaga, Galuteria, Green, Ihara, Kidani, Tokuda.

S.C.R. No. 47 "SENATE CONCURRENT RESOLUTION RECOGNIZING SEPTEMBER 2011 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII."

Offered by: Senators Chun Oakland, Shimabukuro, Fukunaga, Galuteria, Ihara, Kidani, Tokuda.

S.C.R. No. 48 "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION."

Offered by: Senators Chun Oakland, Green, Shimabukuro, Fukunaga, Galuteria, Ihara, Kidani, Tokuda.

S.C.R. No. 49 "SENATE CONCURRENT RESOLUTION URGING MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION."

Offered by: Senators Gabbard, Ryan, Slom.

S.C.R. No. 50 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO ESTABLISH A TASK FORCE TO REVIEW THE LEGAL, TAX, AND ECONOMIC RAMIFICATIONS OF THE STATE DISCONTINUING TO LICENSE MARRIAGE."

Offered by: Senators Gabbard, Slom, Espero, Kim, Ryan.

S.C.R. No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR AUTISM SPECTRUM DISORDERS."

Offered by: Senators Espero, Chun Oakland, Green, Baker, Dela Cruz, Nishihara, Ryan, Shimabukuro, Wakai.

S.C.R. No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE CONVENING OF AN

ACADEMIC SYMPOSIUM TO CONSIDER THE ESTABLISHMENT OF A HAWAIIAN LANGUAGE UNIVERSITY WITHIN THE UNIVERSITY OF HAWAII SYSTEM."

Offered by: Senators Galuteria, Kidani, Tokuda, Kahele, Solomon.

S.C.R. No. 53 "SENATE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS."

Offered by: Senators Espero, Gabbard, Shimabukuro, Dela Cruz, Fukunaga, Galuteria, Ihara, Kahele, Ryan, Taniguchi.

S.C.R. No. 54 "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM 'TREATY OF ANNEXATION' CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL."

Offered by: Senator Shimabukuro.

S.C.R. No. 55 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION THAT REDESIGNATES DISCOVERERS' DAY IN HAWAII TO INDIGENOUS PEOPLES' DAY."

Offered by: Senator Shimabukuro.

S.C.R. No. 56 "SENATE CONCURRENT RESOLUTION REQUESTING LANDFILLS TO NOT ACCEPT MUNICIPAL SOLID WASTE."

Offered by: Senator Shimabukuro.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 19 to 30) were read by the Clerk and were deferred:

S.R. No. 19 "SENATE RESOLUTION REQUESTING CONGRESS TO EXEMPT HAWAII, ALASKA, GUAM, AND PUERTO RICO FROM THE JONES ACT FOR THE HEALTH, SAFETY, AND SECURITY OF THEIR RESIDENTS."

Offered by: Senator Slom.

S.R. No. 20 "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO PASS A BALANCED BUDGET."

Offered by: Senators Slom, Espero, Green, Kidani, Ryan, Shimabukuro, Solomon, Wakai.

S.R. No. 21 "SENATE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO ASSESS MAXIMUM FINES, SETTLEMENTS, AND LIENS FOR MULTIPLE AND EGREGIOUS VIOLATIONS OF COUNTY PROPERTY AND PUBLIC HEALTH AND SAFETY ORDINANCES."

Offered by: Senators Slom, Espero, Fukunaga, Green, Ige, Kidani, Nishihara, Shimabukuro, Solomon, Wakai.

S.R. No. 22 "SENATE RESOLUTION RECOGNIZING APRIL AS SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH."

Offered by: Senators Chun Oakland, Green, Shimabukuro, Fukunaga, Galuteria, Ihara, Kidani, Tokuda.

S.R. No. 23 "SENATE RESOLUTION RECOGNIZING SEPTEMBER 2011 AS EDUCATION AWARENESS AND APPRECIATION MONTH IN HAWAII."

Offered by: Senators Chun Oakland, Shimabukuro, Fukunaga, Galuteria, Ihara, Kidani, Tokuda.

S.R. No. 24 "SENATE RESOLUTION URGING CONGRESS TO SUPPORT FEDERAL LEGISLATION PROHIBITING HEALTH INSURERS FROM DENYING COVERAGE TO VICTIMS OF DOMESTIC VIOLENCE ON THE GROUNDS THAT IT IS A PRE-EXISTING CONDITION."

Offered by: Senators Chun Oakland, Green, Shimabukuro, Fukunaga, Galuteria, Ihara, Kidani, Tokuda.

S.R. No. 25 "SENATE RESOLUTION URGING MEMBERS OF THE UNITED STATES CONGRESS TO PROPOSE THE PARENTAL RIGHTS AMENDMENT TO THE STATES FOR RATIFICATION."

Offered by: Senators Gabbard, Ryan, Slom.

S.R. No. 26 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO ESTABLISH A TASK FORCE TO REVIEW THE LEGAL, TAX, AND ECONOMIC RAMIFICATIONS OF THE STATE DISCONTINUING TO LICENSE MARRIAGE."

Offered by: Senators Gabbard, Espero, Slom, Kim, Ryan.

S.R. No. 27 "SENATE RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF THE INTERIOR AND THE UNITED STATES CONGRESS TO PROVIDE ADDITIONAL FEDERAL AID TO THE STATE OF HAWAII FOR THE PROVISION OF VARIOUS STATE SERVICES TO MIGRANTS FROM THE COMPACT OF FREE ASSOCIATION NATIONS; DEEM MIGRANTS ELIGIBLE TO RECEIVE FEDERALLY FUNDED FINANCIAL AND MEDICAL ASSISTANCE; AND PROVIDE DIALYSIS AND CHEMOTHERAPY CENTERS IN MICRONESIA AND ALL AREAS WITHIN THE COMPACT OF FREE ASSOCIATION NATIONS."

Offered by: Senators Espero, Gabbard, Shimabukuro, Dela Cruz, Fukunaga, Galuteria, Ihara, Kahele, Ryan.

S.R. No. 28 "SENATE RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR AND REQUESTING THE REMOVAL OF THE TERM 'TREATY OF ANNEXATION' CAST IN BRONZE ON THE STATUE OF PRESIDENT MCKINLEY ON THE GROUNDS OF MCKINLEY HIGH SCHOOL."

Offered by: Senator Shimabukuro.

S.R. No. 29 "SENATE RESOLUTION REQUESTING THE GOVERNOR TO SUPPORT LEGISLATION THAT REDESIGNATES DISCOVERERS' DAY IN HAWAII TO INDIGENOUS PEOPLES' DAY."

Offered by: Senator Shimabukuro.

S.R. No. 30 "SENATE RESOLUTION REQUESTING LANDFILLS TO NOT ACCEPT MUNICIPAL SOLID WASTE."

Offered by: Senator Shimabukuro.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 462) recommending that the Senate advise and consent to the nomination of JODIE MAESAKA-HIRATA as the Director of the Department of Public Safety, in accordance with Gov. Msg. No. 513.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 462 and Gov. Msg. No. 513 was deferred until Friday, March 4, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 463) recommending that the Senate advise and consent to the nomination of BRUCE A. COPPA as the Comptroller of the Department of Accounting and General Services, in accordance with Gov. Msg. No. 514.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 463 and Gov. Msg. No. 514 was deferred until Friday, March 4, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 464) recommending that the Senate advise and consent to the nomination of MAJOR GENERAL DARRYLL D.M. WONG as the Adjutant General of the Department of Defense, in accordance with Gov. Msg. No. 515.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 464 and Gov. Msg. No. 515 was deferred until Friday, March 4, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 465) recommending that S.B. No. 1178, 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. 1178, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LENDERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 466) recommending that S.B. No. 1499, 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. 1499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 467) recommending that S.B. No. 27, 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. 27, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 468) recommending that S.B. No. 123, 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. 123, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RECORDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 469) recommending that S.B. No. 124, 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. 124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 470) recommending that S.B. No. 714, 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. 714, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 471) recommending that S.B. No. 1273, 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. 1273, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 472) recommending that S.B. No. 1279, 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. 1279, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and

was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 473) recommending that S.B. No. 4, 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. 4, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 474) recommending that S.B. No. 1533, 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. 1533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 475) recommending that S.B. No. 1025, 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. 1025, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 476) recommending that S.B. No. 810, 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. 810, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 477) recommending that S.B. No. 1282, 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. 1282, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 478) recommending that S.B. No. 1342, 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. 1342, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR THE DISABLED," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 479)

recommending that S.B. No. 1360, 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. 1360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 480) recommending that S.B. No. 1361, 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. 1361, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 481) recommending that S.B. No. 1417, 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. 1417, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE REHABILITATION COUNCIL," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 482) recommending that S.B. No. 44, 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. 44, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 483) recommending that S.B. No. 48, 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. 48, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 484) recommending that S.B. No. 49, 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. 49, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 485) recommending that S.B. No. 1307, 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. 1307, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Dela Cruz and Galuteria, for the Committee on Water, Land, and Housing and the Committee on Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 486) recommending that S.B. No. 23, 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. 23, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 487) recommending that S.B. No. 132, 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. 132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAF BLOWERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 488) recommending that S.B. No. 1006, 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. 1006, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Gabbard, Nishihara, and Dela Cruz, for the Committee on Energy and Environment and the Committee on Agriculture and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 489) recommending that S.B. No. 631, 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. 631, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Gabbard, Dela Cruz, and Espero, for the Committee on Energy and Environment and the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 490) recommending that S.B.

No. 181, 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. 181, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Gabbard and Green, for the Committee on Energy and Environment and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 491) recommending that S.B. No. 1295, 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. 1295, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSION RULES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 492) recommending that S.B. No. 754, 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. 754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 493) recommending that S.B. No. 758, 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. 758, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 494) recommending that S.B. No. 646, 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. 646, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 495) recommending that S.B. No. 975, 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. 975, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

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

No. 496) recommending that S.B. No. 1483, 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. 1483, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 497) recommending that S.B. No. 1278, 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. 1278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 498) recommending that S.B. No. 1484, 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. 1484, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 499) recommending that S.B. No. 1190, 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. 1190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE PERSONAL INJURY LIMITATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 500) recommending that S.B. No. 1349, 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. 1349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 501) recommending that S.B. No. 1347, 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. 1347, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Tokuda and Green, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 502) recommending that S.B. No. 922, 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. 922, 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 Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 503) recommending that S.B. No. 1067, 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. 1067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 504) recommending that S.B. No. 1041, 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. 1041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RANGE LAND LIABILITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 505) recommending that S.B. No. 1054, 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. 1054, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 506) recommending that S.B. No. 750, 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. 750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Gabbard and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 507) recommending that S.B. No. 1493, 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. 1493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," passed Second

Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senators Tokuda and Baker, for the Committee on Education and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 508) recommending that S.B. No. 675, 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. 675, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STUDENT LOAN FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 509) recommending that S.B. No. 690 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. 690, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 510) recommending that S.B. No. 81 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. 81, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 511) recommending that S.B. No. 676 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. 676, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 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. 512) recommending that S.B. No. 767 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. 767, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC RECOVERY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 513) recommending that S.B. No. 923 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. 923, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON FATHERHOOD," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 514) recommending that S.B. No. 1292 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. 1292, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senators Chun Oakland and Ige, for the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 515) recommending that S.B. No. 1293 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. 1293, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF HUMAN SERVICES," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 516) recommending that S.B. No. 1381 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. 1381, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 4, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 517) recommending that S.B. No. 35 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 517 and S.B. No. 35, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," was deferred until Friday, March 4, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 518) recommending that S.B. No. 747 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 518 and S.B. No. 747, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM," was deferred until Friday, March 4, 2011.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 519) recommending that S.B. No. 1443, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 519 and S.B. No. 1443, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," was deferred until Tuesday, March 8, 2011.

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

No. 520) recommending that S.B. No. 199, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 520 and S.B. No. 199, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 521) recommending that S.B. No. 704, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 521 and S.B. No. 704, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 522) recommending that S.B. No. 705, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 522 and S.B. No. 705, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 523) recommending that S.B. No. 741, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 523 and S.B. No. 741, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 524) recommending that S.B. No. 1325, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 524 and S.B. No. 1325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 525) recommending that S.B. No. 1516, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 525 and S.B. No. 1516, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 526) recommending that S.B. No. 1244, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 526 and S.B. No. 1244, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BIOFUELS," was deferred until Tuesday, March 8, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 527) recommending that S.B. No. 1346, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 527 and S.B. No. 1346, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO RENEWABLE PORTFOLIO STANDARDS," was deferred until Tuesday, March 8, 2011.

Senators Baker and Ige, for the Committee on Commerce and Consumer Protection and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 528) recommending that S.B. No. 1498, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 528 and S.B. No. 1498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 529) recommending that S.B. No. 150, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 529 and S.B. No. 150, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 530) recommending that S.B. No. 698, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 530 and S.B. No. 698, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 531) recommending that S.B. No. 900, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 531 and S.B. No. 900, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 532) recommending that S.B. No. 1081, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 532 and S.B. No. 1081, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 533) recommending that S.B. No. 1197, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 533 and S.B. No. 1197, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 534) recommending that S.B. No. 1394, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 534 and S.B. No. 1394, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 535) recommending that S.B. No. 1416, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 535 and S.B. No. 1416, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 536) recommending that S.B. No. 1348, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 536 and S.B. No. 1348, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 537) recommending that S.B. No. 1538, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 537 and S.B. No. 1538, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 538) recommending that S.B. No. 1311, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 538 and S.B. No. 1311, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 539) recommending that S.B. No. 831, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 539 and S.B. No. 831, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 540) recommending that S.B. No. 1108, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 540 and S.B. No. 1108, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 541) recommending that S.B. No. 285, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 541 and S.B. No. 285, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 542) recommending that S.B. No. 1227, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 542 and S.B. No. 1227, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO ENHANCED 911 SERVICES,” was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 543) recommending that S.B. No. 1458, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 543 and S.B. No. 1458, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 544) recommending that S.B. No. 926, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 544 and S.B. No. 926, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILDREN,” was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 545) recommending that S.B. No. 1496, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 545 and S.B. No. 1496, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES,” was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 546) recommending that S.B. No. 169, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 546 and S.B. No. 169, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CARGO INSPECTIONS,” was deferred until Tuesday, March 8, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 547) recommending that S.B. No. 787, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 547 and S.B. No. 787, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was deferred until Tuesday, March 8, 2011.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTER DEFERRED FROM TUESDAY, FEBRUARY 22, 2011

Stand. Com. Rep. No. 445 (Gov. Msg. No. 517):

Senator Dela Cruz moved that Stand. Com. Rep. No. 445 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of WILLIAM JOHNSON AILA, JR. as the Chairperson of the Board of Land and Natural Resources, term to expire December 31, 2014, seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominee as follows:

“Mr. William Aila is a person from humble beginnings, having been born and raised in Wai‘anae and graduated from Wai‘anae High School. He pursued his desire of furthering his education and obtained a Bachelor of Science degree in General Tropical Agriculture from the University of Hawai‘i at Mānoa.

Subsequent to getting his degree, Mr. Aila served as Harbor Agent for the Wai‘anae Boat Harbor since 1987.

“In reviewing Mr. William Aila’s resume, one can conclude that he possesses the diverse vocational background which provides the ability to protect Hawai‘i’s most-valued natural and cultural resources.

“The nominee has widespread support from the community. Both management and labor expressed support for the nominee and his ability to bring all interested parties together. He has the respect and trust of groups with which he has worked. Hundreds of testimonies were received in support of Mr. Aila. However, there were some testimonies that expressed reservations on his appointment, and I know Mr. Aila is working to address these concerns.

“The Aha Kiole Advisory Committee and the Pearl Harbor Hawaiian Civic Club had some reservations as to whether Mr. Aila will be able to address concerns related to Native Hawaiian issues and whether he’ll ‘be able to live and practice our Hawaiian values taught to us by our ancestors and kūpuna.’

“Undoubtedly, any position has its challenges and presumedly most nominations will come with some reservations. I believe that former chairperson Laura Thielen’s testimony on Mr. Aila’s nomination is very pointed. Ms. Thielen stated, ‘This job requires someone who has experience and an appreciation of recent and long-term history to navigate the myriad of interests, passions, and controversies that surround land, water, cultural, and historic resources in Hawai‘i.’ She further added, ‘The real question you should wrestle with is whether Mr. Aila can be objective in his new role of Chairperson of DLNR, given his previous roles. This is no different than when you examine the record of a lawyer who has acted for years as an advocate, and determine whether he may successfully step into the objective role of a judge.’

“Former chairperson William Paty also testified on Mr. Aila’s behalf. He stated that he ‘first became acquainted with him when we both worked together to resolve a dispute between the weekend trollers of Wai‘anae and the newly arrived Gulf Coast Vietnamese long liners that had reached close to a gun-toting stage. Since that time, we have held both supporting and opposing positions on water, fisheries, land use, and environmental concerns. The Army’s use of Makua has been the longest issue between us...he doesn’t pull any punches. But through it all, he always kept his word.’

“Miwa Tamanaha and Marti Townsend of Kahea, the Hawaiian Environmental Alliance, stated: ‘In our work, we have had many opportunities to engage with Mr. Aila. Although we have not always agreed with his position, we have always found him to be respectful, hardworking, and professional with all concerned.’

“I would like to conclude with Kamaki Kanahale, Chair of the Sovereign Councils of the Hawaiian Homelands Assembly’s testimony that ‘never before have our native communities been accorded a place at the decision-making table, and rarer still to the chair of the DLNR. We believe that this bodes well for our Hawai‘i when, for the first time, a Native Hawaiian, Mr. Aila, whose ancestry and culture demands a full accountability like that of every kānaka maoli to preserve, protect, and defend to the fullest extent possible ka honua (the earth), ka ‘āina (the land), ka moana (the ocean), and nā lani (the heavens) in perpetuity, a sacred trust obligated to Mr. Aila by the requirements of his birthright.’

“I am comfortable that Mr. Aila will rise to meet this obligation. I endorse the confirmation of Mr. Aila. Thank you, Mr. President.”

Senator Solomon rose in support of the nominee as follows:

“I just would like to incorporate the previous speaker’s remarks in support of the nominee as if they were my own. Thank you.” (The Chair so ordered, by reference only.)

Senator Hee rose in support of the nominee with very strong reservations as follows:

“First of all, let me start by saying this: Lengthen your stirrups; we’re in for a long ride, because I will not be brief.

“So, let me start with a kānaka maoli who said in 1887: ‘In the midst of these evidence of prosperity and advancement, it is but too apparent that the natives are steadily decreasing in numbers and gradually losing their hold upon the fair land of their fathers. Within the century, they have dwindled from 400,000 to a little more than a tenth of that number of landless, hopeless victims to the greed and vices of civilization. They are slowly sinking under the restraints and burdens of their surroundings, and will in time succumb to the social and political conditions foreign to their natures and poisonous to their blood. Year by year, their footprints will grow more dim along the sands of their reef-sheltered shores, and fainter and fainter will come from their songs until finally their voices will be heard no more. Forever. And then, if not before, and no human effort can shape it otherwise, the Hawaiian Islands with the echoes of their kūpuna will pass into the political as they are now firmly with the commercial system of the great American Republic.’ King David Kalākaua said that. How did he know in 1887 that in this year, at this time, that what he said then is truer than ever?

“And so with the respect of the previous speakers, we have a Native Hawaiian. As I have said earlier in caucus and I’ve said on this floor, this Native Hawaiian has said that he is held to a higher standard because he is Native Hawaiian. So, let’s look at the standard.

“On the matter of disclosure, and I have said this at prior confirmations: disclosure is paramount to us to render judgment in this process. Without disclosure, it would be impossible to fairly judge the evaluation of the nominees. When I was Judiciary Chairman in 1987 and 1988, one of the first judges came to me and said to me, ‘You know, Senator, I want to disclose something because if I don’t, I’m afraid it’ll come out. I’m from Kaua‘i, and as a lawyer, I represented a husband and a wife who were divorcing. It is improper for me as a lawyer to represent two parties who are suing each other. I want you to know.’ On another occasion in the same year, a different nominee failed to disclose that he was in contempt of court, failed to disclose that he was admonished by the Intermediate Court of Appeals, failed to disclose that he was found in violation of Rule 11 by a federal judge, failed to disclose these things that came to light because others came forward with these disclosures. Two years ago, a nominee failed to disclose that he was admonished by the Intermediate Court of Appeals for engaging in prosecutorial misconduct. Not once; three times. He failed to disclose to the ICA; as a result of being found in violation and committing prosecutorial misconduct, the ICA remanded the case back to court. And then the nominee failed to disclose that on another occasion he was found in eight counts of prosecutorial misconduct by the same ICA judge who now sits as an Associate Justice of the Hawai‘i Supreme Court. Just this year, a nominee came forward and said, ‘Mr. Chairman, I want you to know the ICA admonished me, but it did not remand a case back to court because I signed a Circuit Court ruling that said white males were not a protected class.’ And then the nominee said, ‘In fact, I made a mistake. I did not see the word “not.” I want you to know.’ And that allowed me to go to the ICA and to ask the judge who wrote the opinion, who replied, ‘You read the footnote in my decision.’ I said, ‘Yes, I did, Judge.’ And he said, ‘It’s quite

amazing when people will come to disclose things that may not necessarily be easy to do because disclosure begins with the word “character.” That is what disclosure is about.

“In this particular nominee, he failed to disclose issues; and the failure to disclose those issues is of grave concern to me. This nominee named and blamed a subordinate for his failure to file a timely document. That is troubling to me because it suggests a lack of leadership, of character, resulting in poor morale at the office.

“While I would have hoped that his confirmation hearing could have taken place later in the session, that decision is not mine; and let me explain. As members of the Senate, by Constitution we are charged with a responsibility of advise and consent. That is a solemn duty we swear to, because after each confirmation, whether it’s a judge or a director—in the case of a judge, it’s ten years before the term is complete; in the case of a director, it’s four years. So, we do not have the luxury nor the benefit of time with new directors to develop a track record to give us an indication of how he or she might perform his or her duties. For example, that is why the attorney general, who is the highest of law enforcement officers in the state, will not be confirmed until April to allow the Senate the time for Mr. Louie to develop a track record. In the case of this nominee, the track record as an interim director is very brief. His track record as a community activist is anything but brief. And all of those who emailed letters of support and messages of support acknowledged that part of his life. We are, however, judging the nominee on his performance as a director; and will he take that same passion of community activism and integrate that passion as a department director?

“The committee report said, ‘The Chairperson must fulfill a diverse mission to enhance, protect, conserve, and manage Hawaii’s unique and limited natural, cultural and historic resources held in the public trust for current and future generations.’ One of the first actions as director was to sign off on a programmatic agreement required as a component of the environmental impact statement process on the rail. That provides us the first footprint and gives some indication, although brief as it may be, of the nominee as a director.

“Colleagues, over three decades ago the Legislature declared ‘the historic and cultural heritage of the state is among its important assets and that the rapid social and economic development of this contemporary society threatened to destroy the remaining vestiges of this heritage.’ The Legislature further declares that ‘it is in the public interest to engage a comprehensive program of historic preservations at all levels of government.’ The Legislature further declares it ‘shall be the public policy of the state to provide leadership in preserving, restoring and maintaining historic and cultural property.’ Two decades ago, the Legislature also declared that ‘the cultural values related to the treatment and protection of burials is of the highest priority, that all human skeletal remains and burial sites within the state are entitled to equal—equal—protection under the law regardless of race, religion, or cultural origin, that the nature of this is a sacred trust for the benefit of all, and therefore the Legislature affirms the common law rule that a landowner knowingly in possession of human skeletal remains cannot own the remains but mainly holds the same in trust.’

“How does that square with the decision of the interim director to sign off on the programmatic agreement for the environmental statement for the rail? The director said that—and I’m paraphrasing—he had no choice, that the federal government required him to do so. In fact, it is my view, based on discussion with others familiar with this situation, that the federal government allows the alternative and does not require a phased-in project. The Native Hawaiian Legal Corporation asserts in its complaint that once again an archeological inventory survey needed to be prepared prior to the decision

making and construction and that the state law did not allow—did not allow—for a phased approach to these studies. Moreover, the O‘ahu Island Burial Council said on October 14, 2009, by a unanimous vote, that an archeological inventory survey needed to be done before acceptance of the final environmental impact statement. And further, on April 14, 2010, the O‘ahu Island Burial Council voted again, by unanimous vote, to recommend that the State Historic Preservation Officer (that is, the interim director) object—object—to any version of a programmatic agreement that allows for a phased, archeological inventory survey approach. The O‘ahu Island Burial Council is made up of descendants of the voices that shall be heard fainter and fainter that were spoken of in 1887. Evidently, no objection was raised by the State Historic Preservation Officer. That is truly unfortunate.

“Last week Friday at the land board, by unanimous vote of which the interim director was one, voted to allow for the CDUA for the TMT to go forward. That is his duty—to vote. In a question distributed to the interim director, the chairman of the committee said, ‘You have been an outspoken critic of the U.S. Army’s training in Makua Valley. How would you respond to the critics who say that you cannot be objective?’ He said, ‘I oppose training in Makua Valley because it is sacred.’ Why would you oppose training in Makua Valley because it is sacred and allow for the imposition of a TMT on Mauna Kea? I have yet to meet a Hawaiian who has not said, ‘Of all lands sacred in Hawai‘i, Mauna Kea is most sacred. It is the piko of who we are. Our piko goes back to Mauna Kea. Lake Wai‘au belongs to us. That is where our birth is.’ So why and how would the director vote ‘yes’ unless he holds the sacredness of Makua at a different standard from the sacredness of Mauna Kea?

“Three days ago, the Judiciary Committee held a hearing to designate two areas off the coast of Maui as marine conservation areas. The nominee submitted testimony in opposition. It must be very difficult to oppose the conservation effort while at the same time being a commercial fisherman. It must be difficult. This morning, the Committee on Judiciary and Labor held a hearing on S.B. No. 1310, which is the safe harbor law that gives citizens a right to bring a complaint against those who violate the law protecting endangered species. The nominee sent in testimony in support of removing the sunset to the law. Forever. This is a law that was in 1997 constructed, and the sunset was extended three times. And this nominee, this Native Hawaiian, testified to remove it, at the same time in his testimony saying, ‘Hawai‘i is the capital of endangered species.’ These are but only a few of the instances that my staff has been able to develop a track record to try to understand the conflicts inherent in this Native Hawaiian who has himself said he is held at a higher standard and then engage in these unfortunate decisions. I am not here to say they’re the right decisions. I’m not here to say they’re the wrong decisions. But for me, I disagree with every decision that I have issued to you folks this morning.

“By the nominee’s programmatic signing off on the EIS, I sent each member three emails today. The longer you live, the more life repeats itself. If you click on your computers, here is the first email. This is by Corky Trinidad, and it says, ‘Bishop Museum? What signs or clues tell us that it’s a real heiau?’ The second one is also by Corky, and it says—there’s a bunch of people with an HVB sign that says ‘heiau’ and it’s stuck in H-3, and it says—to this group of Hawaiians, ‘You never satisfied.’ And the third is real easy; it’s a dollar sign, and it says, ‘H-3 bypass of controversial archaeological sites.’ The longer you live, the more life repeats itself. This is the result of what happened to H-3, because of bones, litigation, archaeological sites to the extent that H-3 was moved out of Moanalua and into Halawa. Because of William Aila’s signing of the programmatic agreement, you can be sure that what

happened at H-3 will happen at the rail, that the \$250 million project of H-3, which turned into \$2 billion, will repeat itself. This is what happens when careful deliberation and looking at the history and signing off on agreement contrary to the Burial Council, contrary to state law, and contrary to Native Hawaiians.

“There are those of you who said to me, ‘If not him, then who?’ I say to you, what has the nominee demonstrated? And I asked the Senate Committee Chairman. I asked for two examples where the nominee as interim director has used being a Native Hawaiian as an asset to the office because the advocacy is one thing, the decision making is quite another. If the vote on Friday was five ‘ayes’ and one ‘no’ on the TMT, I’m good if the ‘no’ vote was a Native Hawaiian; but in fact the interim director who signed off on the staff report voted ‘yes’. That’s his thumbprint on the staff report. And I presume somebody up here is going to get up and say being a Native Hawaiian provides some comfort and relief. But other than advocacy, the nominee has an opportunity and a privilege as a Native Hawaiian to demonstrate that what Kalākāua said in 1887 stops right now, that the ‘ōiwi koko Hawai‘i go to the front of the line. But every decision that I can see, every testimony that I have had, suggests just the opposite. So, why be Native Hawaiian? Be like the rest. Laura Thielen? Ask six families in Kahana Valley about Laura Thielen. Come to my office. I have the eviction notice framed to always remind me what can be done to Hawaiian people on the fair lands of their fathers.

“I said this yesterday in caucus and I said this to a lawmaker earlier today, ‘I feel like...’ Actually, I said this to my wife when we were running in the morning one day. Because this nominee and this nomination have been on my mind, and it has been troublesome for me, and I said to her as we were running on the highway that this reminds me of going to Texas and going to see Clay O’Brian Cooper, who’s the world-renowned champion team roper; and going into his barn and having Clay O’Brian Cooper saying, ‘Hey, Clay; see this horse? You take this horse: worth every penny because this horse can perform in the arena. If the money’s on the line, this horse will take you to the hip all the time.’ And then, after taking the horse in the arena and calling for the steer, and finding out the horse is crippled. It may have plenty try in it—his heart bigger than his body—but he’s got navicular, he’s got ring bone, and he’s not worth a lick. I said to a lawmaker today, ‘I’m not sure if the nominee is a stallion or a proud cut gelding. What I’ve seen up to this point, he’s the second, not the first.’

“I regret that this Senate doesn’t have more time to evaluate this nominee, and the reason is simple: This nominee will make decisions that impact what King Kalākāua spoke about in 1887. This nominee will lead the most powerful board in the state, and by his actions up to this point, it causes grave concern. Mr. President, I support the effort because maybe this nominee’s heart is bigger than his body, but whether this nominee can run, we’ll know soon enough because what we’ve seen so far, or what I have seen so far, does not suggest that. Thank you, Mr. President, and thank you, members.”

Senator Solomon rose in support of the nominee as follows:

“I’d like to thank the previous speaker for his remarks. I just want to note for the Journal that I, too, agree with many of the previous speaker’s positions as they relate to the Burial Councils, and to his remarks about King David Kalākāua. They were appropriate. I also agree with the Senator’s concerns as to the impact of the rail, the Hui o Malama, and as they relate to the duties of nā iwi o Hawai‘i. Likewise, I am a passionate admirer of horses, believe it or not; I feel the Senator’s remarks were more complimentary than negative. However, I still found them offensive, Mr. President. I feel it inappropriate to compare the nominee to that of a stallion or a

gelling. I had the privilege of listening to our nominee's remarks during the committee hearings. I felt at that time those in attendance would agree. We could feel this individual's passion as he spoke about his community activism and how he plans to integrate this knowledge into his leadership style. We heard many testimonies as to how he's already organized his department and, more importantly, how people within the department finally believe there's hope. They, the workforce, feel that they are well appreciated, they feel that the nominee knows and understands the difficulties of their jobs. In conclusion, this is the person that's going to be able to make the difference and lead DLNR, a direction reflecting the new Hawai'i.

"Now, in reference as to what was discussed in caucus: normally I would not elaborate on what was discussed in caucus, but I feel compelled to do so being that these discussions were brought up by the previous speaker. We in the Senate are the ones whom are responsible in providing the nominee with the direction as to how we are going to solve these problems. Yes, we must revisit the issues pertinent to Mauna Kea. Your Committee on Water and Land went on an on-site visitation. Many of my colleagues who were in attendance felt that this was a life-changing experience when they saw and could feel the sacredness of that mountain; they felt the mana that surrounded us. It was disturbing to us all when we saw how diminished the visitor center was and the limited public access. The visitor center should be promoting the magnificence of this mountain, representing the Hawaiian mana'o (spirit) and the Hawaiian no'ono'o (thought). Mr. President, we this body must focus and provide the proper direction to the departments. These issues not only involve DLNR, University of Hawai'i, but all other appropriate departments that need to collectively organize so that we can bring all of these thoughts to fruition, improve public access, and a bigger, better visitor center.

"On another subject matter, yes, I was part of that H-3 controversy, Mr. President. Believe me, it was not pleasant. As a matter of fact, it was gut-wrenching. And true, we should have learned from our mistakes. The lesson learned, dealing with cultural sites of significance, the discovery, as they relate to the iwi, should be dealt within as it pertains to the whole project in a very broad, perspective, as it pertains to the project, as approved identifying sites piecemeal. This approval caused the controversy, caused the heartache, caused the project to be one of the most expensive highways ever built in this country. And why did the project persevere? Because the leadership, at that time, cared. We were willing to go the extra mile to resolve the controversy, willing to spend the extra dollars. We were willing to meet with the Hawaiian groups to resolve the issues. I believe we're a sovereign nation. Everybody in this building knows this. The Hawaiian perspective: This isn't a state; this is our country. But we're the ones in this body that have to take the lead in providing the proper directions to our departments so they will gain this cultural sensitivity—they will gain this no'ono'o (knowledge)—resulting in advocacy which is truly best for our Hawai'i.

"Yes, it's true Mr. Aila does have a lot to learn. Well, don't we all, Mr. President? You know, learning is a process that evolves. Our committee feels confident that we know these challenges are just fine, not only in people's minds. The objectives and the goals are achievable if we all work together collectively. I just want to congratulate the previous speaker. It takes a lot of courage to stand up and to advocate on issues the speaker has brought to this body's attention.

"Mr. President, we have come to a political crossroads in our Hawai'i. We have made great strides in terms of our leadership. Look at our own country; we have the first black President. And now it's our opportunity to have a Native Hawaiian person

be in charge, Mr. President, of one of the largest departments in the State of Hawai'i, DLNR faces these challenges within it. I and the committee already put the nominee on notice. He is answerable to us, and I want to assure all of my colleagues the nominee has gotten the message. So in our future deliberations please, colleagues, call the nominee to your office. Express what your concerns are. And collectively we can solve and build a better Hawai'i that will take care each and every one of us. Thank you very much, Mr. President."

Senator Shimabukuro rose in support of the nominee as follows:

"First, I want to talk about the Mauna Kea issue that's been raised, and I want to point out to you that the DLNR did also approve a contested case to go forward; and if anyone can attest about how important and how critical contested cases are, it's William Aila, Jr. He has been a witness in contested case hearings many, many times. I've seen him testify on the Waimānalo Gulch contested case, on the Tropic Lands Industrial Park contested case. He understands that this is to be taken very seriously and that the issues and the concerns raised by the Native Hawaiian community can be dealt with in a contested case. On the issue of the rail, as a member of Hui Malama, I think we all know that William has been willing to put himself on the line when it comes to issues of burials and iwi, and if anyone understands those issues, it's him. So, I'm sure that those all went into consideration in the decision he made.

"The aquarium fishing bill is, as I stated earlier, much of the reason that William is under attack is because of his firm beliefs in protecting our natural resources. His stand on the Northwestern Hawaiian Islands is consistent with what the federal government has stated about fishing there, and he's been very firm in that despite the possibility of making enemies of people who support more fishing than he does.

"The issue of the S.B. No. 1310, the safe harbor bill: Earth Justice testified this morning that they want to work with the new administration of DLNR on crafting a bill that they can both agree on. And as allies and close friends, William Aila and David Henkin of Earth Justice, I'm sure, will work on that very important issue of the safe harbor.

"And I have many more written comments that I'd like to submit in support of this excellent nominee. [The Chair so ordered.] Thank you."

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

"Mr. President:

"I rise to speak in strong support of the confirmation of William Aila as Chair of the Department of Land and Natural Resources. I speak not only as the Senator from Mr. Aila's home district, where he long served as the Wai'anae Harbor Master. I speak also as a longtime friend and neighbor of this dedicated environmentalist, cultural practitioner, community leader and state public servant for the past 24 years. And I speak with the firm conviction that the State of Hawai'i needs this man...at this critical time. He is by far the best candidate and the most qualified for the job. To think otherwise is not only misguided, it is a disservice to a good man and the overwhelming majority of individuals and organizations who stepped forward to support his appointment.

"As proof that I am not alone, I point to the 341 pages of testimony—99 percent of which supports Mr. Aila. And I quote the Water, Land & Housing Committee Report, which says: 'Your Committee finds that Mr. Aila has the unanimous respect and trust of the groups with which he has worked, and that his cautious, respectful approach can assist the Department in

fulfilling its mandates ... and finds that he has the knowledge, expertise, and abilities befitting the important position of Chairperson.' Even more compelling, in my opinion, is the following tribute from one of the 164 private individuals who testified: 'William Aila is a gentle giant. I have seen the firmness of his harbor administration, the immediacy of his reaction to water emergencies, the tenderness of his reactions to a friend's misfortunes, and the consistency of his dedication to the protection of our beautiful state.'

"As a DLNR employee, William has served under six Chairs—three of whom offered compelling testimony as to why he is qualified to follow in their footsteps. I was especially moved by the words of one of his distinguished predecessors, Bill Paty, who spoke of working with William for 25 years—'sometimes together, sometimes in opposition.' 'The Army's use of Makua,' he states, 'has been the longest issue between us ... I mention this because over the years, we developed a trusting relationship and a strong friendship that underlies the differences we may have had.' It comes as no surprise that William—an activist as well as an administrator—would be the center of controversy and a target for criticism. However, the words 'respect' and 'trust', even from opponents, form a common thread throughout all the testimony I heard.

"One testifier—the daughter of Governor John A. Burns—makes specific reference to political opponents. She writes: 'Just as those in opposition to my father's views initially feared his election, so do William's opponents. However, I believe they will find out differently when his appointment is approved.' Just as Jack Burns rose above the voices of opposition, so—I believe—will William Aila...once given the chance to prove himself to supporters and opponents alike.

"Much of the opposition to Mr. Aila revolves around fishing issues—as a lifelong fisherman in his private life and now, in public life, as one charged with protecting ocean and other natural resources. The controversy first surfaced in committee and was later brought to this floor on February 23. You may recall Mr. President and colleagues that I spoke in rebuttal on that occasion—pointing to a difference of opinion between Mr. Aila and a federal fishery management agency (WESPAC) over fishing in the Northwest Hawaiian Islands. In this dispute, it is William Aila who clearly emerges as the champion of conservation over consumption. This is consistent with his long-standing reputation on the Wai'anae Coast as one who has fought very hard to preserve our fish and promote self-regulation among fellow fishermen.

"I do not want to dwell, however, on points of opposition. I choose to focus instead on the outpouring of aloha and support for William Aila that began on the day our Governor announced his appointment. I urge all of my colleagues to join with me in confirming a man whom I greatly respect and whose friendship I cherish."

Senator Kouchi rose in support of the nominee as follows:

"Mr. President, I just have two brief comments. I, as a new Senator, wonder at times what the role and function of the caucus leader is and how it all fits into the process here in the Senate. But after a very spirited caucus as described by my colleague from District 1, I will say the issues that were raised were excellent, and the suggestions about resolutions and clarifying policies and directions that the Senate would like to see arise or establish a process by which, I think, we will work together. If we want the horse to run and run well, it is incumbent on us to help the horse to run well in every way we can. Recently, having seen *Secretariat*, it takes a great trainer, it takes a great jockey, and it takes a great team to make a great horse run well. And I think the plan from my colleague from District 1 provides that road map, and I look forward to this horse running well.

"The second point and the most important reason why I'm going to be supporting the director is that while my colleague to my right gets all the attention of being the only one of his kind in this body, I too am the only one of my kind in this body. I am the only Senator from Kaua'i and Ni'ihau, and unlike my colleague I cannot be on all committees. Yet, when I've reached out to the director's department for help, I'm not a member of the committee that oversees them, but his deputy has been available. Other members of his staff have been available, and they've come up with great solutions. They've been ready to help—ready to help the people of Kaua'i, the people of Hawai'i—and I do believe that the true mark of greatness is not just in the individual, but in the team that that individual can attract and the people that will work with that individual. I am confident and I am so pleased in the kind of support I've had from his team that I'm going to be proud to vote for him today. Thank you."

Senator Slom rose in strong support of the nominee as follows:

"I must apologize first, however, to you, Mr. President, to the colleagues: There was no drama in the minority caucus. We have been fully supportive from the beginning.

"I've had the pleasure of knowing Mr. Aila for many years. Colleagues have seen Mr. Aila down here at the Legislature for many years, testifying very passionately. I do not see eye to eye with him on several issues, and many of those issues were brought up today, and I think that that's very important, that they have been brought up. I do not support the nominee because he is a Native Hawaiian. I do not support him because he is a man. I do not support him because he's likened to different kinds of horses. I support him because of his character, because of his integrity, because of his passion, because of what we've all seen over the years. I'm not particularly enamored of community activists, but I think it's very important for people to be involved in their community. And when the community comes together and says in one voice, 'We support this man; we believe in this man,' then I lend my voice to that support also.

"As was briefly alluded to, this is a very large department. I've called it a dysfunctional department on a number of occasions. There are a lot of competing interests within the department, and there are a lot of problems. In his very brief time as interim director, I think the nominee has achieved one of the major goals, and that is to increase and improve the morale of the employees in this department; and without that positive morale and without the employees believing that changes and positive directions can be attained, then nothing can occur. And we've seen that over the years through different administrations and the change in different personalities. This idea of taking difficult decisions—most of us are called upon to do this every day, and we know that it is impossible to please everyone and, in fact, that should not be our objective, to try to please everyone. Our objective should be to do the right thing. That still allows for people to disagree, or to agree to disagree, and we will do that, I'm sure, in the future.

"But the point is the Governor has made a nomination. The committee has had a full hearing of which I attended and participated. And we know that we have an individual who's humble and reasonable and rational, understands the complexities of running a department such as this, and understanding as he does that it's a lot easier to be a community activist on the outside than to be herding the cats on the inside. And yet, he has volunteered for this, not for self-aggrandizement. He could certainly do other things. It would be far less stressful. And we'll all have to watch his hairline from now on because it, like the tide, will recede.

“And as it was brought up about the various issues, we will continue to discuss and debate and take positions on these issues as we should. Specifically about the rail, I think all of my colleagues know my position on this \$8 billion train to nowhere, which must be and should be and will be stopped, not only because of the Hawaiian iwi, but because of the resources of Hawai‘i’s taxpayers, particularly those of us on O‘ahu. So, there’ll be time to discuss this, and I believe the director and his impression that he was forced to make a decision. But again I say that we can still disagree on decisions. He has demonstrated he is a person that not only will listen but that he will get personally involved. And as my good colleague from the island of Kaua‘i has mentioned, he has assembled a good staff and he has good people and they believe in him; and more importantly, people from across the state have been calling us, emailing us, stopping us at Longs and Safeway and talking with us, and I think that’s extremely important.

“And so for those reasons and others, I’m fully confident that all disclosures have been made and that the measure of this man has been formed by his parents, and by those who have come in contact with him and who have mentored him, and who he in turn will mentor. I think he is living proof of Hawaiian values, that part of Hawaiian values like all other values means that people can and should take a position after listening to others, after researching the issue, but then be able to stand by that position. And William Johnson Aila, Jr. has demonstrated that time and time again, and I think we all pray for his success in this department because it is so important and it touches our lives in so many ways. So therefore, I’m very happy to support his nomination. Thank you, Mr. President.”

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

Ayes, 23; Ayes with Reservations (Hee). Noes, none. Excused, 2 (English, Kim).

At this time, Senator Dela Cruz introduced Chair Aila, who was accompanied by his father Mr. William Aila, Sr., mother Carol Aila, stepmother Ruby Aila, wife Melva Aila, children Kekoa and Kainoa, and sisters Abigail Aila-Ainoa and Jeanette Maneafaiga.

At 12:37 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:50 p.m.

FINAL READING

S.B. No. 8, S.D. 1, H.D. 2:

Senator Tokuda moved that S.B. No. 8, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Tokuda rose in strong support of the measure and said:

“After much thought and much deliberation, our bills are put in place: the appointment process for the Board of Education is before us for final consideration. As you are all well aware, in November, the people spoke and we have listened. Balancing the need to expedite the passage of this bill was the responsibility we have to get this right and to create a meaningful process that ensures both accountability and transparency. Our education committees have been working hard on this measure. While changes have been made since we last voted on this, I believe the structure and philosophical basis put forward by the Senate remains largely unchanged.

“Merging the perspectives of both legislative bodies, S.B. No. 8 creates a process that will give the people the kind of accountability they asked for, while ensuring that certain

minimum qualifications and desirable qualities will be embodied in all future members of the Board of Education. Vastly different from the current structure of the board or any previous piece of legislation, the Governor would select the chairperson from among the three statewide at-large members and will have the ability through these positions to grant additional representation from our neighbor island counties. One significant change that was made was in regards to the voting status of the student member. I want to thank all of you for standing by your committee in our efforts to send a strong message to our students and the thousands who came before them that we do see you, we do hear you, and, yes, you count.

“While I would have preferred to have it go through this measure, I want to commend and also thank the House for continuing the fight for voting rights by inserting the provisions into H.B. No. 338. We look forward to receiving it in committee, and perhaps after 30 years, this will be the legislature that makes the difference. Through the life of this bill and the subsequent campaign that led to the constitutional amendment, we’ve talked about accountability, we’ve talked about furloughs, and we’ve raced to the top discussing instructional minutes, hours, and days. In the end, the challenge to all of us is clear: we must do better. Our children deserve better. And heeding the words of our Senate president, I am confident that by working together, there will be better days ahead. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 8, S.D. 1, and S.B. No. 8, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Kim).

THIRD READING

Stand. Com. Rep. No. 448 (S.B. No. 1055, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 448 be adopted and S.B. No. 1055, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I’m going to be voting ‘no’ on all of these bills that have to do with compensation. And number one, we cannot afford it in terms of our budgetary process, and we shouldn’t even be telling people that we’re considering salary increases. Number two, the economy still has not recovered and is not recovering substantially in Hawai‘i. And number three, the private sector employees, many of whom not only have not had salary increases or benefit increases, but they’ve lost benefits and they’ve lost their jobs. So, I think it’s unfair of us to consider public employee salary increases at this time. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 448 was adopted and S.B. No. 1055, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 449 (S.B. No. 1061, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 449 was adopted and S.B. No. 1061, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING

COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 450 (S.B. No. 1062, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 450 was adopted and S.B. No. 1062, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 451 (S.B. No. 1063, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 451 was adopted and S.B. No. 1063, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 452 (S.B. No. 1064, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 452 was adopted and S.B. No. 1064, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 453 (S.B. No. 1075, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 453 was adopted and S.B. No. 1075, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 454 (S.B. No. 1077, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 454 was adopted and S.B. No. 1077, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 455 (S.B. No. 1083, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 455 was adopted and S.B. No. 1083, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 456 (S.B. No. 1084, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 456 was adopted and S.B. No. 1084, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 457 (S.B. No. 1085, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 457 was adopted and S.B. No. 1085, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 458 (S.B. No. 1095, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 458 was adopted and S.B. No. 1095, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

Stand. Com. Rep. No. 459 (S.B. No. 1096, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 459 was adopted and S.B. No. 1096, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (English, Kim).

S.B. No. 777, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 777, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Kim).

S.B. No. 1356, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1356, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (English, Kim).

At this time, the Chair made the following announcement:

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

REFERRAL OF HOUSE BILLS

The President made the following committee assignments of House bills received on Wednesday, February 23, 2011:

H.B. No.:	Referred to:
H.B. No. 243, H.D. 1	Committee on Judiciary and Labor
H.B. No. 298, H.D. 1	Committee on Judiciary and Labor
H.B. No. 555, H.D. 1	Committee on Judiciary and Labor
H.B. No. 593, H.D. 1	Committee on Judiciary and Labor
H.B. No. 838, H.D. 2	Committee on Judiciary and Labor, then to the Committee on Ways and Means

**REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of concurrent resolutions offered on Wednesday, February 23, 2011; and Thursday, March 3, 3011:

S.C.R. No.:	Referred to:
S.C.R. No. 37	Committee on Energy and Environment, then to the Committee on Education
S.C.R. No. 38	Committee on Judiciary and Labor
S.C.R. No. 39	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs
S.C.R. No. 40	Committee on Transportation and International Affairs, then to the Committee on Judiciary and Labor
S.C.R. No. 41	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.C.R. No. 42	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

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions offered on Wednesday, February 23, 2011; and Thursday, March 3, 3011:

S. R. No.:	Referred to:
S.R. No. 15	Committee on Energy and Environment, then to the Committee on Education
S.R. No. 16	Committee on Judiciary and Labor
S.R. No. 17	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs
S.R. No. 18	Jointly to the Committee on Agriculture and the Committee on Water, Land, and Housing, then to the Committee on Public Safety, Government Operations, and Military Affairs
S.R. No. 19	Committee on Transportation and International Affairs, then to the Committee on Judiciary and Labor
S.R. No. 20	Committee on Judiciary and Labor, then to the Committee on Ways and Means
S.R. No. 21	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

**RE-REFERRAL OF A
SENATE CONCURRENT RESOLUTION**

The Chair re-referred the following concurrent resolution that was offered:

S.C.R. No.:	Re-referred to:
S.C.R. No. 34	Jointly to the Committee on Agriculture and the Committee on Education

Senator Ige, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 827, H.D. 1.

Senator Ige noted:

“The waiver request is so we can expedite. This is the measure to appropriate funds for all of the legislative agencies and we definitely would want to be able to take action on it in a timely manner.”

The Chair granted the waiver.

Senator Kahele rose on a point of personal privilege and said:

“Today is March 3—‘Hinamatsuri’ in Japanese. Girls’ Day. I am rising to recognize a friend, still a young girl herself, who is celebrating her birthday today. She has hit a milestone this year and will be turning so-many-years young. In that time, she has already done amazing things for the Big Island and for the State of Hawai‘i. I am grateful for the opportunity to work with her as a fellow Big Island Senator and look forward to working with her this session. On behalf of this august body, Senator Solomon, your colleagues and I wish you a hau‘oli lā hānau.”

Senator Ryan rose on a point of personal privilege and said:

“I’d like to acknowledge another birthday today: my colleague from the windward side. I’m sorry I don’t know how to say ‘happy birthday’ in Okinawan, so I’ll say it in Hawaiian to the Honorable Senator Jill Tokuda. Hau‘oli lā hānau, Jill.”

Senator Slom rose on a point of personal privilege and said:

“Due to tremendous popular demand and no thanks to the Judiciary Committee, the Native Hawaiian hoary bat will fly proudly and high, and we have some Native Hawaiian hoary bat t-shirts available in my office; all proceeds to go to the Hawai‘i Foodbank. And the design was from famous Big Island designer Dietrich Varez, and I know that you’ll want to show your support for this bat, who through no fault of his own has been felled this session, but will rise like the phoenix again to become Hawai‘i’s only true native land mammal. Thank you, Mr. President.”

At this time, the Chair made the following announcement:

“The deadline to file standing committee reports on Senate bills for Second Reading is 7:00 p.m. this evening.”

ADJOURNMENT

At 1:03 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Friday, March 4, 2011.