

## FIFTY-SIXTH DAY

**Wednesday, April 27, 2011**

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:33 a.m. with the President in the Chair.

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

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

At this time, Senator Chun Oakland, on behalf of Senator Kim and herself, introduced a group of students from the Susannah Wesley Community Center who were seated in the gallery with former State Representative Lyla Berg.

Senator English, on behalf of the Maui delegation, introduced former State Senator Joe Tanaka who was seated in the gallery.

**MESSAGES FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. Nos. 196 and 1117 to 1118) were read by the Clerk and were placed on file:

Gov. Msg. No. 196, dated April 15, 2011, transmitting the State Foundation of Culture and Arts' Annual Report July 1, 2009 through June 30, 3010.

Gov. Msg. No. 1117, informing the Senate that on April 26, 2011, the Governor signed into law Senate Bill No. 1292, H.D. 1 as Act 17, entitled: "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS."

Gov. Msg. No. 1118, informing the Senate that on April 26, 2011, the Governor signed into law House Bill No. 1067, H.D. 1 as Act 18, entitled: "RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY."

**DEPARTMENTAL COMMUNICATION**

The following communication (Dept. Com. No. 87) was read by the Clerk and was placed on file:

Dept. Com. No. 87, from the State Auditor dated April 8, 2011, transmits the 2010 Annual Report for the Office of the Auditor, pursuant to section 93-16, HRS.

**CONFERENCE COMMITTEE REPORTS**

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 172, S.D. 2, presented a report (Conf. Com. Rep. No. 2) recommending that S.B. No. 172, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 2 and S.B. No. 172, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1483, S.D. 1, presented a report (Conf. Com. Rep. No. 3) recommending that S.B. No. 1483, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 3 and S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1094, H.D. 1, presented a report (Conf. Com. Rep. No. 51) recommending that H.B. No. 1094, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 51 and H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1241, H.D. 2, presented a report (Conf. Com. Rep. No. 52) recommending that H.B. No. 1241, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 52 and H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 555, H.D. 1, presented a report (Conf. Com. Rep. No. 53) recommending that H.B. No. 555, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 53 and H.B. No. 555, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," was deferred for a period of 48 hours.

**STANDING COMMITTEE REPORTS**

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1354) recommending that the Senate advise and consent to the nomination of KENNETH M. HOVANIAN to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 584.

By unanimous consent, action on Stand. Com. Rep. No. 1354 and Gov. Msg. No. 584 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1355) recommending that the Senate advise and consent to the nominations to the Board of Acupuncture of the following:

MIKE HASHIMOTO, in accordance with Gov. Msg. No. 595; and

MICHAEL HOWDEN, in accordance with Gov. Msg. No. 670.

By unanimous consent, action on Stand. Com. Rep. No. 1355 and Gov. Msg. Nos. 595 and 670 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1356) recommending that the Senate advise and consent to the nominations to the Board of Professional Engineers,

Architects, Surveyors and Landscape Architects of the following:

PAUL MURRAY, in accordance with Gov. Msg. No. 628;

DEMETRIO Y. CONSTANTINO, in accordance with Gov. Msg. No. 674; and

JAY T. MANZANO, in accordance with Gov. Msg. No. 676.

By unanimous consent, action on Stand. Com. Rep. No. 1356 and Gov. Msg. Nos. 628, 674 and 676 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1357) recommending that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

CRAIG K. HIRAI, in accordance with Gov. Msg. No. 633;

NELSON LAU, in accordance with Gov. Msg. No. 634; and

KEITH REGAN, in accordance with Gov. Msg. No. 635.

By unanimous consent, action on Stand. Com. Rep. No. 1357 and Gov. Msg. Nos. 633, 634 and 635 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1358) recommending that the Senate advise and consent to the nomination of GERALD J. SILVA to the Cable Advisory Committee, in accordance with Gov. Msg. No. 668.

By unanimous consent, action on Stand. Com. Rep. No. 1358 and Gov. Msg. No. 668 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1359) recommending that the Senate advise and consent to the nomination of STEPHEN M. TANNENBAUM to the Board of Directors of the Hawai'i Hurricane Relief Fund, in accordance with Gov. Msg. No. 669.

By unanimous consent, action on Stand. Com. Rep. No. 1359 and Gov. Msg. No. 669 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1360) recommending that the Senate advise and consent to the nomination of STANLEY T. MASAMITSU to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 630.

By unanimous consent, action on Stand. Com. Rep. No. 1360 and Gov. Msg. No. 630 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1361) recommending that the Senate advise and consent to the nomination of ROBERT K. YANABU to the Board of Professional Engineers, Architects, Surveyors and Landscape Architects, in accordance with Gov. Msg. No. 632.

By unanimous consent, action on Stand. Com. Rep. No. 1361 and Gov. Msg. No. 632 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1362) recommending that the Senate advise and consent to

the nomination of WENDY MIKI GLAUS to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 636.

By unanimous consent, action on Stand. Com. Rep. No. 1362 and Gov. Msg. No. 636 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1363) recommending that the Senate advise and consent to the nomination of AMY S. MURAI to the State Board of Nursing, in accordance with Gov. Msg. No. 637.

By unanimous consent, action on Stand. Com. Rep. No. 1363 and Gov. Msg. No. 637 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1364) recommending that the Senate advise and consent to the nomination of MARK A. BAIRD to the Board of Dental Examiners, in accordance with Gov. Msg. No. 671.

By unanimous consent, action on Stand. Com. Rep. No. 1364 and Gov. Msg. No. 671 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1365) recommending that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

VERNON TA'A, in accordance with Gov. Msg. No. 672; and

RANDALL T. KAYA, in accordance with Gov. Msg. No. 673.

By unanimous consent, action on Stand. Com. Rep. No. 1365 and Gov. Msg. Nos. 672 and 673 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1366) recommending that the Senate advise and consent to the nominations to the Hawai'i Medical Board of the following:

GERARD K. AKAKA, in accordance with Gov. Msg. No. 678;

SHARON BINTLIFF, in accordance with Gov. Msg. No. 679;

PETER C. CHIN, in accordance with Gov. Msg. No. 680; and

PALASI PULETASI, in accordance with Gov. Msg. No. 681.

By unanimous consent, action on Stand. Com. Rep. No. 1366 and Gov. Msg. Nos. 678, 679, 680 and 681 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1367) recommending that the Senate advise and consent to the nominations to the Board of Pharmacy of the following:

CAROLYN S. J. MA, in accordance with Gov. Msg. No. 682;

RICHARD MINATOYA, in accordance with Gov. Msg. No. 683; and

ROSE TSENG, in accordance with Gov. Msg. No. 684.

By unanimous consent, action on Stand. Com. Rep. No. 1367 and Gov. Msg. Nos. 682, 683 and 684 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1368) recommending that the Senate advise and consent to the nomination of GEOFFREY REYNOLDS to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 685.

By unanimous consent, action on Stand. Com. Rep. No. 1368 and Gov. Msg. No. 685 was deferred until Tuesday, May 3, 2011.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 1369) recommending that the Senate advise and consent to the nomination of RACHELLE IOPA to the Board of Physical Therapy, in accordance with Gov. Msg. No. 686.

By unanimous consent, action on Stand. Com. Rep. No. 1369 and Gov. Msg. No. 686 was deferred until Tuesday, May 3, 2011.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1370) recommending that the Senate advise and consent to the nominations to the Hawai'i Commission for National and Community Service of the following:

JOHN ANDERSON, in accordance with Gov. Msg. No. 698;

JANICE BOND, in accordance with Gov. Msg. No. 699;

DENNIS DUNN, in accordance with Gov. Msg. No. 700;

LISA A. DUNN, in accordance with Gov. Msg. No. 701;

PATRICIA L. MASTERS, in accordance with Gov. Msg. No. 702;

DARIN SHIGETA, in accordance with Gov. Msg. No. 703; and

CHARLOTTE TOWNSEND, in accordance with Gov. Msg. No. 704.

By unanimous consent, action on Stand. Com. Rep. No. 1370 and Gov. Msg. Nos. 698, 699, 700, 701, 702, 703 and 704 was deferred until Tuesday, May 3, 2011.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1371) recommending that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

IMAIKALANI PATRICK AIU, in accordance with Gov. Msg. No. 553;

PERRY O. ARTATES, in accordance with Gov. Msg. No. 554;

JEREMY KAMAKANEALOHA HOPKINS, in accordance with Gov. Msg. No. 555;

MICHAEL PUAMAMO KAHIKINA, in accordance with Gov. Msg. No. 556;

IAN LEE LOY, in accordance with Gov. Msg. No. 557; and

RENWICK VALENTINE ILI'ILIPUNA TASSILL, in accordance with Gov. Msg. No. 558.

By unanimous consent, action on Stand. Com. Rep. No. 1371 and Gov. Msg. Nos. 553, 554, 555, 556, 557 and 558 was deferred until Tuesday, May 3, 2011.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1372) recommending that the Senate advise and consent to the nominations to the Island Burial Council Island of O'ahu of the following:

CHARLES ANDREW EHRHORN, in accordance with Gov. Msg. No. 559; and

JONATHAN L. SCHEUER, in accordance with Gov. Msg. No. 731.

By unanimous consent, action on Stand. Com. Rep. No. 1372 and Gov. Msg. Nos. 559 and 731 was deferred until Tuesday, May 3, 2011.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1373) recommending that the Senate advise and consent to the nomination of EDWIN L.P. MIRANDA to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 729.

By unanimous consent, action on Stand. Com. Rep. No. 1373 and Gov. Msg. No. 729 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1374) recommending that the Senate advise and consent to the nomination of DAVID HEAUKULANI to the Corrections Population Management Commission, in accordance with Gov. Msg. No. 591.

By unanimous consent, action on Stand. Com. Rep. No. 1374 and Gov. Msg. No. 591 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1375) recommending that the Senate advise and consent to the nomination of MARI A. MCCAIG to the Crime Victim Compensation Commission, in accordance with Gov. Msg. No. 733.

By unanimous consent, action on Stand. Com. Rep. No. 1375 and Gov. Msg. No. 733 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1376) recommending that the Senate advise and consent to the nominations to the Correctional Industries Advisory Committee of the following:

DENISE J. JOHNSTON, in accordance with Gov. Msg. No. 746; and

THEODORE SAKAI, in accordance with Gov. Msg. No. 747.

By unanimous consent, action on Stand. Com. Rep. No. 1376 and Gov. Msg. Nos. 746 and 747 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1377) recommending that the Senate advise and consent to the nominations to the Hawai'i Paroling Authority of the following:

JOYCE K. MATSUMORI-HOSHIJO, in accordance with Gov. Msg. No. 748;

BERT Y. MATSUOKA, in accordance with Gov. Msg. No. 749; and

MICHAEL A. TOWN, in accordance with Gov. Msg. No. 750.

By unanimous consent, action on Stand. Com. Rep. No. 1377 and Gov. Msg. Nos. 748, 749 and 750 was deferred until Tuesday, May 3, 2011.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1378) recommending that the Senate advise and consent to the nomination of CRAIG NAKAMURA to the Board of Directors of the Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 752.

By unanimous consent, action on Stand. Com. Rep. No. 1378 and Gov. Msg. No. 752 was deferred until Tuesday, May 3, 2011.

Senator Ige, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1379) recommending that the Senate advise and consent to the nomination of DARRYL NITTA to the Tax Review Commission, in accordance with Gov. Msg. No. 753.

By unanimous consent, action on Stand. Com. Rep. No. 1379 and Gov. Msg. No. 753 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1380) recommending that the Senate advise and consent to the nomination of KEN HIDESHI TAKAYAMA to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 560.

By unanimous consent, action on Stand. Com. Rep. No. 1380 and Gov. Msg. No. 560 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1381) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

ALFRED C. LARDIZABAL, in accordance with Gov. Msg. No. 561; and

HAROLD P. MCDERMOTT, in accordance with Gov. Msg. No. 562.

By unanimous consent, action on Stand. Com. Rep. No. 1381 and Gov. Msg. Nos. 561 and 562 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1382) recommending that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

LINDA H. KRIEGER, in accordance with Gov. Msg. No. 589; and

RAYMUND LIONGSON, in accordance with Gov. Msg. No. 732.

By unanimous consent, action on Stand. Com. Rep. No. 1382 and Gov. Msg. No. 589 and 732 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1383) recommending that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

CARMILLE L. LIM, in accordance with Gov. Msg. No. 622;

AMY Y. MONK, in accordance with Gov. Msg. No. 623; and

LISA ELLEN SMITH, in accordance with Gov. Msg. No. 624.

By unanimous consent, action on Stand. Com. Rep. No. 1383 and Gov. Msg. Nos. 622, 623 and 624 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1384) recommending that the Senate advise and consent to the nomination of JANICE YAMADA to the Interstate Compact for Juveniles, in accordance with Gov. Msg. No. 734.

By unanimous consent, action on Stand. Com. Rep. No. 1384 and Gov. Msg. No. 734 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1385) recommending that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

WAYNE L. CHU, in accordance with Gov. Msg. No. 735;

NEAL MIYAHIRA, in accordance with Gov. Msg. No. 736; and

DENNIS L. VANAIKSDALE, in accordance with Gov. Msg. No. 737.

By unanimous consent, action on Stand. Com. Rep. No. 1385 and Gov. Msg. Nos. 735, 736 and 737 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1386) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

ANTONIO J. SAGUIBO, in accordance with Gov. Msg. No. 739; and

MARIAN TSUJI, in accordance with Gov. Msg. No. 740.

By unanimous consent, action on Stand. Com. Rep. No. 1386 and Gov. Msg. Nos. 739 and 740 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1387) recommending that the Senate advise and consent to the nomination of LESLIE WILKINS to the Commission on the Status of Women, in accordance with Gov. Msg. No. 775.

By unanimous consent, action on Stand. Com. Rep. No. 1387 and Gov. Msg. No. 775 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1388) recommending that the Senate advise and consent to the nomination of DAVID M. LOUIE as the Attorney General of the Department of the Attorney General, in accordance with Gov. Msg. No. 510.

By unanimous consent, action on Stand. Com. Rep. No. 1388 and Gov. Msg. No. 510 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1389) recommending that the Senate consent to the nomination of EDMUND D. ACOBA to the District Court of the Fifth Circuit, State of Hawai'i, in accordance with Jud. Com. No. 1.

By unanimous consent, action on Stand. Com. Rep. No. 1389 and Jud. Com. No. 1 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1390) recommending that the Senate consent to the nomination of DEAN E. OCHIAI to the District Court of the First Circuit, State of Hawai'i, in accordance with Jud. Com. No. 2.

By unanimous consent, action on Stand. Com. Rep. No. 1390 and Jud. Com. No. 2 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1391) recommending that the Senate consent to the nomination of LANSON K. KUPAU to the District Court of the Fifth Circuit, State of Hawai'i, in accordance with Jud. Com. No. 3.

By unanimous consent, action on Stand. Com. Rep. No. 1391 and Jud. Com. No. 3 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1392) recommending that the Senate consent to the nomination of MELANIE MITO MAY to the District Court of the Fifth Circuit, State of Hawai'i, in accordance with Jud. Com. No. 4.

By unanimous consent, action on Stand. Com. Rep. No. 1392 and Jud. Com. No. 4 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1393) recommending that the Senate consent to the nomination of CATHERINE H. REMIGIO to the District Family Court of the First Circuit, State of Hawai'i, in accordance with Jud. Com. No. 5.

By unanimous consent, action on Stand. Com. Rep. No. 1393 and Jud. Com. No. 5 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1394) recommending that the Senate advise and consent to the nomination of ROCK B. LEY to the Hawai'i Labor Relations Board, in accordance with Gov. Msg. No. 741.

By unanimous consent, action on Stand. Com. Rep. No. 1394 and Gov. Msg. No. 741 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1395) recommending that the Senate advise and consent to the nomination of SESNITA A. D. MOEPONO to the Hawai'i Labor Relations Board, in accordance with Gov. Msg. No. 742.

By unanimous consent, action on Stand. Com. Rep. No. 1395 and Gov. Msg. No. 742 was deferred until Tuesday, May 3, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1396) recommending that the Senate advise and consent to the nomination of RUTHE. MABANGLO to the Language Access Advisory Council, in accordance with Gov. Msg. No. 743.

By unanimous consent, action on Stand. Com. Rep. No. 1396 and Gov. Msg. No. 743 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1397) recommending that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

MICHAEL GOLOJUCH, in accordance with Gov. Msg. No. 590; and

PETER YUKIMURA, in accordance with Gov. Msg. No. 745.

By unanimous consent, action on Stand. Com. Rep. No. 1397 and Gov. Msg. Nos. 590 and 745 was deferred until Tuesday, May 3, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 1398) recommending that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

RAYMOND JARDINE JR., in accordance with Gov. Msg. No. 645; and

COLTON CHING, in accordance with Gov. Msg. No. 744.

By unanimous consent, action on Stand. Com. Rep. No. 1398 and Gov. Msg. Nos. 645 and 744 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1399) recommending that the Senate advise and consent to the nomination of PAUL KYNO to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, in accordance with Gov. Msg. No. 756.

By unanimous consent, action on Stand. Com. Rep. No. 1399 and Gov. Msg. No. 756 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1400) recommending that the Senate advise and consent to the nominations to the Land Use Commission of the following:

ERNEST MATSUMURA, in accordance with Gov. Msg. No. 567;

CHAD M. MCDONALD, in accordance with Gov. Msg. No. 568; and

JAYE NAPUA MAKUA, in accordance with Gov. Msg. No. 757.

By unanimous consent, action on Stand. Com. Rep. No. 1400 and Gov. Msg. Nos. 567, 568 and 757 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1401) recommending that the Senate advise and consent to the nomination of RANDY CHING to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 569.

By unanimous consent, action on Stand. Com. Rep. No. 1401 and Gov. Msg. No. 569 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1402) recommending that the Senate advise and consent to the nomination of MICHELE CHOUTEAU MCLEAN to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 574.

By unanimous consent, action on Stand. Com. Rep. No. 1402 and Gov. Msg. No. 574 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1403) recommending that the Senate advise and consent to the nominations to the Hawai'i Community Development Authority of the following:

BRIAN LEE, in accordance with Gov. Msg. No. 564;

LOIS MITSUNAGA, in accordance with Gov. Msg. No. 565;

JAY R. KADOWAKI, in accordance with Gov. Msg. No. 754; and

MAILE MEYER, in accordance with Gov. Msg. No. 755.

By unanimous consent, action on Stand. Com. Rep. No. 1403 and Gov. Msg. Nos. 564, 565, 754 and 755 was deferred until Tuesday, May 3, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1404) recommending that the Senate advise and consent to the nomination of JESSE SOUKI to the Director for the Office of Planning, in accordance with Gov. Msg. No. 525.

By unanimous consent, action on Stand. Com. Rep. No. 1404 and Gov. Msg. No. 525 was deferred until Tuesday, May 3, 2011.

**ORDER OF THE DAY**

**AGREE/DISAGREE**

**MATTER DEFERRED FROM  
TUESDAY, APRIL 26, 2011**

S.C.R. No. 44, S.D. 1 (H.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 44, S.D. 1 and S.C.R. No. 44, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING FURTHER IMPLEMENTATION OF HOUSING FIRST PROGRAMS AND SERVICES TO COMBAT CHRONIC HOMELESSNESS," was placed on the calendar for Final Adoption on Thursday, April 28, 2011.

S.C.R. No. 124, S.D. 2 (H.D. 1):

By unanimous consent, action on S.C.R. No. 124, S.D. 2, (H.D. 1), entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONVENING OF TASK FORCES TO DEVELOP COMMUNITY BENEFITS PACKAGES FOR THE NEIGHBORHOODS LOCATED NEAREST TO LANDFILLS," was deferred until Thursday, April 28, 2011.

**ADVISE AND CONSENT**

Stand. Com. Rep. No. 1345 (Gov. Msg. Nos. 688 and 689):

Senator Fukunaga moved that Stand. Com. Rep. No. 1345 be received and placed on file, seconded by Senator Wakai and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

MARY ANN MANAHAN, term to expire June 30, 2015 (Gov. Msg. No. 688); and

SHARON SAKAMOTO, term to expire June 30, 2015 (Gov. Msg. No. 689),

seconded by Senator Wakai.

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

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

Stand. Com. Rep. No. 1346 (Gov. Msg. Nos. 585 and 696):

Senator Fukunaga moved that Stand. Com. Rep. No. 1346 be received and placed on file, seconded by Senator Wakai and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

KEIKI-PUA S. DANCIL, term to expire June 30, 2015 (Gov. Msg. No. 585); and

JON WALLENSTROM, term to expire June 30, 2015 (Gov. Msg. No. 696),

seconded by Senator Wakai.

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

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

Stand. Com. Rep. No. 1347 (Gov. Msg. Nos. 543, 691, 692, 693, 694 and 695):

Senator Fukunaga moved that Stand. Com. Rep. No. 1347 be received and placed on file, seconded by Senator Wakai and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the High Technology Development Corporation, Board of Directors of the following:

CRAIG I. NAKANISHI, term to expire June 30, 2015 (Gov. Msg. No. 543);

JOHN F. MORTON, term to expire June 30, 2015 (Gov. Msg. No. 691);

RACE A. RANDLE, term to expire June 30, 2014 (term amended to June 30, 2015 by Gov. Msg. No. 778 (Gov. Msg. No. 692);

ASSUMPTA C. RAPOZA, term to expire June 30, 2014 (Gov. Msg. No. 693);

RICHARD M. ROSENBLUM, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 789) (Gov. Msg. No. 694); and

MICHAEL SCHMICKER, term to expire June 30, 2014 (Gov. Msg. No. 695),

seconded by Senator Wakai.

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

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

Stand. Com. Rep. No. 1348 (Gov. Msg. No. 608):

Senator Fukunaga moved that Stand. Com. Rep. No. 1348 be received and placed on file, seconded by Senator Wakai and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of BARBARA SAROMINES-GANNE to the State Foundation on Culture and the Arts Commission, term to expire June 30, 2015, seconded by Senator Wakai.

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

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

Stand. Com. Rep. No. 1349 (Gov. Msg. Nos. 540, 541 and 690):

Senator Fukunaga moved that Stand. Com. Rep. No. 1349 be received and placed on file, seconded by Senator Wakai and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Historic Places Review Board, Hawai'i of the following:

GEORGE CASEN, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 575 (Gov. Msg. No. 540);

GERALD L. DE MELLO, term to expire June 30, 2015 (Gov. Msg. No. 541); and

ROBERT K. IOPA, term to expire June 30, 2014 (Gov. Msg. No. 690),

seconded by Senator Wakai.

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

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

Stand. Com. Rep. No. 1350 (Gov. Msg. No. 627):

Senator Tokuda moved that Stand. Com. Rep. No. 1350 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of JAMES P. KARINS to the Board of Directors of the Research Corporation of the University of Hawai'i, term to expire June 30, 2015, seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 1351 (Gov. Msg. No. 697):

Senator Tokuda moved that Stand. Com. Rep. No. 1351 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of ARTHUR A. USHIJIMA to the Hawai'i Medical Education Council, term to expire June 30, 2015, seconded by Senator Kidani.

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

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

Stand. Com. Rep. No. 1352 (Gov. Msg. No. 667):

Senator Hee moved that Stand. Com. Rep. No. 1352 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of RHONDA IWALANI LAI LOO to the Circuit of the Second Circuit, State of Hawai'i, for a term of ten years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

"Members, let me briefly state that Judge Loo was supported by the Bar Association and by the Committee by unanimous vote of those present. She received her B.A. from the University of Oregon, her J.D. from the University of Hawai'i William S. Richardson School of Law. She has served as a District Judge

from 1997 to the present in the Second Circuit, where she presides over civil and criminal calendars and trials. She has handled arraignments and change of pleas, motions, preliminary hearings and reviews, search warrants, informational charging packets, and TROs. She also currently serves as Deputy Chief Judge for the Second Circuit and has presided in the Circuit Court on many occasions, including during 10 criminal jury trials and 1 civil non-jury trial. She is a former prosecutor and has served as a law clerk for Circuit Court Judge John McConnell. Thank you, Mr. President."

Senator Baker rose in support of the nominee as follows:

"Mr. President, I would be remiss if I didn't rise in support of Rhonda Loo's confirmation, not only because she is a fine jurist, but she's a wonderful individual, and the fact that she becomes the first woman ever to be appointed to serve full time on the Second Circuit Court bench in Maui is remarkable and that alone would be enough reason for me to stand in strong support of her nomination. But when you read all of the supportive testimony that was given by former colleagues in the Prosecutor's Office, from police, from members of the bar and community. And yes, even from defendants that she has sentenced who said without equivocation, 'Yes, it was a harsh sentence, but I deserved it, and it actually helped me turn my life around.' One defendant wrote to the committee saying that, 'It made me take a look at my life and forced me to make some major changes. She told me that she never wanted me to return to her courtroom again, and I haven't.' Another said, 'It made an impact on my decision to stop drinking and to turn my life around.' I think judges like Rhonda Loo who are firm and compassionate are the kind of individuals that clearly we want on the bench.

"She was also well-respected by those that she worked with in the judiciary. One administrator wrote, 'Judge Loo has always shown reason and caring for the people who are serviced by the Judiciary, as well as those who work for the Judiciary.' But I think that when it comes to her community service, perhaps that's where Judge Loo really shines. In addition to being viewed by the attorneys in the Second Circuit as one of their most respected judges, this particular attorney wrote that his colleagues speak very highly of her judicial temperament and demeanor. She's also praised for being a knowledgeable and careful jurist in rendering her decisions. Additionally, Judge Loo's integrity and honesty have been above reproach. She's intellectually and judicially honest in that she interprets the law as she understands the law to be, not what she wants or wishes the law to be, a significant factor in instilling a public sense of consistency and reliability in the law. I think this was demonstrated when she went to visit with a group of students at Lahaina Intermediate School who were studying the impact of the case *Snyder v. Phelps* which was before the Supreme Court. The students were really coming down on the side of the family, thinking that the court's decision was going to be a bad one, but Judge Loo was able to explain to them the concept of free speech rights and its impact and importance. And the students were pleased with her ability to explain the law, how it would impact others, and then they got to vote and make their own decision. Their decision ended up the same way that the Supreme Court decided it. She was gracious in giving her time to visit with students, and so, I think she values our youth and 'regular' folks in the community.

"I've had the good fortune to watch Judge Loo, not in her capacity as a judge, but as someone who cares very much about women inmates. We both participated in a fundraiser for Women Helping Women and we had some inmates from the correctional facility on Maui, women who were victims of domestic violence and were participating by sharing their stories with us. And it was remarkable to see—and some of these inmates had been sentenced by Judge Loo—it was

remarkable to see how much they appreciated the time that she spent with them and the understanding that she had of issues that were before her court. So, I'm pleased, Mr. President and colleagues, to offer strong support for the confirmation of Rhonda Loo. I know she'll make a wonderful addition to the Second Circuit, and I'm pleased that the governor has appointed her. I urge all of my colleagues to vote in support."

Senator English rose in support of the nominee as follows:

"I'd like to just simply add to the words of the Senator from Lahaina that anyone who understands the County of Maui and is willing to take the boat from Lahaina and the boat to Moloka'i, and to understand how difficult it is to administer justice within a multi-island county is well-suited and well-prepared and has a great temperament for Maui County for the Second Circuit. I think that besides everything that was enumerated by both of my colleagues, simply to say that Maui County's truly blessed to have Rhonda on the bench. Thank you."

Senator Slom rose in support of the nominee as follows:

"I enjoyed our meeting together and our conversation, and I would just add to what my colleagues have already said. Judge Loo's respect is universal within the legal community. She has been extremely active in a number of areas, and I find it interesting that she had been a prosecutor and yet she helped develop the handbook and the procedures to treat the mentally ill more compassionately and more fairly in criminal trials. She's been described, among her many qualities and experience, positively for her intelligence, her impartiality, and her patience. But even with patience, she still has a record of reaching decisions in a timely manner, and I think she's exactly the kind of person that we need, and I'm very happy to support her. Thank you."

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

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

Stand. Com. Rep. No. 1353 (Gov. Msg. No. 713):

Senator Green moved that Stand. Com. Rep. No. 1353 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Green then moved that the Senate advise and consent to the nomination of BEN H. NELSON to the Mental Health and Substance Abuse, Kaua'i Service Area Board, term to expire June 30, 2015, seconded by Senator Nishihara.

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

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

At this time, Senator Hee introduced Judge Loo, who was accompanied by former State Senator Joe Tanaka; Judge Colette Giribaldi; niece Grace Cortez; brother Chris Lai; and friends Jodi Yasuda, Jimmy Yasuda, Jean Yasuda, and Arlene Watanabe.

At 11:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

#### ADOPTION OF RESOLUTIONS

H.C.R. No. 4, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 4, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION DECLARING THE MONTH

OF MAY AS LUPUS AWARENESS MONTH IN HAWAII," was adopted.

H.C.R. No. 55:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF A PAIN AND PALLIATIVE CARE POLICY," was adopted.

H.C.R. No. 128, H.D. 2:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 128, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO CONVENE A TASK FORCE TO REVIEW POLICIES AND PROCEDURES FOR STATE FUNDED DRUG COVERAGE PROGRAMS AND SERVICES," was adopted.

H.C.R. No. 165:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO ALLOW STATE-OWNED LANDS TO BE USED BY COMMUNITY GROUPS FOR AN OPEN MARKET IN WAHIAWA," was adopted.

H.C.R. No. 166:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY REGARDING THE TRANSFER OF NON-GENERAL FUNDS TO THE GENERAL FUND," was adopted.

H.C.R. No. 205:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A TASK FORCE REGARDING THE IMPLEMENTATION OF ACT 1, SESSION LAWS OF HAWAII 2011," was adopted with Senator Gabbard voting "No."

H.C.R. No. 209:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER AS WOMEN'S HEALTH MONTH," was adopted.

H.C.R. No. 238:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO FULLY SUPPORT THE DEVELOPMENT OF THE SHELLFISH AQUACULTURE INDUSTRY AND IMPLEMENT A STATEWIDE CLASSIFICATION PROGRAM FOR SHELLFISH GROWING AREAS," was adopted.

H.C.R. No. 266, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 266, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING OCTOBER OF EACH YEAR AS "DOWN SYNDROME AWARENESS MONTH" IN HAWAII," was adopted.

## MISCELLANEOUS BUSINESS

## WAIVER OF REFERRAL

Senator Espero, Chair of the Committee on Public Safety, Government Operations, and Military Affairs, requested that the referrals of the following House concurrent resolutions to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing be waived pursuant to Senate Rule 46(4):

H.C.R. No. 78;  
H.C.R. No. 86;  
H.C.R. No. 126, H.D. 1;  
H.C.R. No. 163;  
H.C.R. No. 253, H.D. 1; and  
H.C.R. No. 263, H.D. 2.

Senator Espero noted:

“The reason for the waiver is because due to our internal deadlines it is too late to hear the bills, but we will agree on these House measures and vote on them on the floor.”

The Chair granted the waiver.

By unanimous consent, the following House concurrent resolutions were placed on the calendar for adoption on Thursday, April 28, 2011:

H.C.R. No. 78, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO AGREE TO A FINAL DETERMINATION REGARDING THE OWNERSHIP AND JURISDICTION OF AN UNIMPROVED SECTION OF KAIMAKANI STREET;”

H.C.R. No. 86, entitled: “HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO SUPPORT THE FILIPINO VETERANS FAMILY REUNIFICATION ACT OF 2009, OR SIMILAR LEGISLATION, TO EXPEDITE FAMILY REUNIFICATION FOR CERTAIN FILIPINO VETERANS OF WORLD WAR II;”

H.C.R. No. 126, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN EARNED-TIME PROGRAM FOR HAWAII’S NON-VIOLENT AND LOW-LEVEL DRUG OFFENDERS;”

H.C.R. No. 163, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO SET ASIDE AND TRANSFER SIXTY ACRES OF LAND TO SUPPORT THE ESTABLISHMENT OF A WEST HAWAII MULTI-PURPOSE AND INTERGENERATIONAL VETERANS CENTER;”

H.C.R. No. 253, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXPEDITE PAYMENT OF WAR BENEFITS TO FILIPINO VETERANS WHO FOUGHT IN WORLD WAR II BUT WERE SUBSEQUENTLY DENIED THEIR ENTITLED BENEFITS;” and

H.C.R. No. 263, H.D. 2, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE USE OF CERTIFIED FIRE-RETARDANT COATINGS IN NEWLY-CONSTRUCTED ONE- AND TWO-FAMILY RESIDENTIAL DWELLINGS, AND IN CONDOMINIUMS AND OTHER HIGH RISES THAT DO NOT HAVE SPRINKLER SYSTEMS.”

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

“Colleagues, since we’re all here, I just wanted to speak with you for one minute about something that I think is an important issue. We’re hearing a bill as you know. This is the time where we have controversy, which is good. This is the medical marijuana bill I want to address.

“A few facts have come out, and you’re going to get a lot of emails, which is healthy—I’m glad, receiving them, responding to them—about the medical marijuana issue. In your conference committee, the debate is raged. This has been a debate about compassion centers, whether to do a trial of a compassion center somewhere in the islands. Compassion center would be somewhere where people could go and get a prescription, essentially, for medical marijuana. But a lot of people don’t understand the scope of the issue. In Hawai‘i about 8,000 people have medical marijuana permits. It’s about 1 in 140, so it’s something for perspective. I’m not judging it one way or another, because I do support medical marijuana as both a physician and a person. A couple things, though, that stand out from the dialogue: one is that 97 percent of the people who are getting a prescription for marijuana have only a complaint of pain or spasms. They don’t have a diagnosis, which has become a question and concern; 53 percent of the people that have prescriptions for medical marijuana in the state are under age 30, and 12 percent are under age 21. So this has been a point of the dialogue, which I think you want to know, as you respond to emails. I think it’s very important. So, when I say that 12 percent are under age 21, as a health care provider I can almost imagine no scenarios where people under age 21 have marijuana for pain. And it’s a concern. It’s something that’s come up. But certainly over 50 percent under age 30 has been a concern as well.

“Another concern has been that in the past year the number of prescriptions on the Big Island has gone from 3,000 to 4,500. And I want to tell you I blame the medical community for that. That’s a 50 percent increase in one year. So, this has been brought up and some of the language in the bill—this is whether it passes or not, I don’t know—this is for us to debate. But some of the language in the bill that has caused people to write you and I think it’s a legitimate concern is that we’ve put much more attention—or I have—on specific diagnoses of cancer, musculoskeletal conditions like MS, but much more specific rather than the vague complaints. I do think people with pain should get medical marijuana, but I think it should be based on diagnoses because out in our communities, out where our constituents are, a lot of the marijuana gets beyond the patients themselves. That’s just a fact. And when you’re talking about more than 50 percent going to people under age 30—under age 30, mind you—for chronic pain which is very, very, very rare that people would have chronic pain below age 30, it does raise these concerns.

“People who have marijuana for medical needs, it’s an extraordinary drug. Others who smoke marijuana at different times crash their cars. They hurt other innocent individuals on occasion. So, these are concerns and there’s significant abuse in the system. If we can reach agreement in the bill, I think it’s excellent, and I do think medical marijuana has an important place in both Hawai‘i and in medical science. But those are some things I just want people to know and to be able to hear from me because those are the real numbers here in Hawai‘i and it’s something that we should be cognizant as policy makers of. Thank you, Mr. President.”

At this time, the Chair made the following announcements:

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

“Also, conferees will be named in accordance with the action sheets distributed to your offices later today.

“Finally, tomorrow, is the final decking deadline for all non-fiscal bills in conference. All conference committee meetings must conclude by 6:00 p.m. and the Senate will convene in session at 6:30 p.m.”

At 12:04 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:05 p.m.

**ADJOURNMENT**

At 12:05 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 6:30 p.m., Thursday, April 28, 2011.