

## THIRTEENTH DAY

**Tuesday, February 8, 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.

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

At this time, Senator Chun Oakland introduced a group of fifth-grade students from Cathedral Catholic Academy and their teacher Mr. Joseph Henderson. Also recognized was Senate staff member Ms. Gwen McDonnell, mother of one of the students.

Senator Ihara introduced a group of fifth-grade students from Kaimuki Christian School who were accompanied by their teachers Ms. Chau Sachs and Ms. Amy Voll; and escorts Vern Yamauchi, Masako Lieu, and Roni Ohashi.

Senator Galuteria introduced former Office of Hawaiian Affairs Trustee Mr. Louis Hao who was seated in the gallery. Senator Galuteria noted that Mr. Hao was also the 1953 All-Territory Basketball All-Star.

**MESSAGE FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. No. 124) was read by the Clerk and was placed on file:

Gov. Msg. No. 124, dated January 27, 2011, transmitting the FY 2009-2010 Hawaii Coastal Zone Management Annual Report, prepared by Department of Business, Economic Development & Tourism, Office of Planning, pursuant to Section 205A-3(10), HRS.

**DEPARTMENTAL COMMUNICATIONS**

The following communications (Dept. Com. Nos. 51 and 52) were read by the Clerk and were placed on file:

Dept. Com. No. 51, from the Office of Elections dated February 3, 2011, transmitting a Report Relating to Office of Election Budget Provisions, pursuant to Act 162, Sections 52, 53, and 55 SLH 2009.

Dept. Com. No. 52, from the Department of Budget and Finance dated January 27, 2011, transmitting a request by the Department of Education to expend additional federal ARRA-School Improvement Grant "V" funds.

**HOUSE COMMUNICATION**

The following communication from the House (Hse. Com. No. 5) was read by the Clerk and was placed on file:

Hse. Com. No. 5, returning S.C.R. No. 27, which was adopted by the House of Representatives on February 7, 2011.

**STANDING COMMITTEE REPORTS**

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 20) recommending that S.B. No. 318, as amended in S.D.1, be recommitted to the Committee on Economic Development and Technology.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII," was recommitted to the Committee on Economic Development and Technology.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 21) recommending that the Senate advise and consent to the nomination of KEALIHILALANIKULANI S. LOPEZ as the Director of the Department of Commerce and Consumer Affairs, in accordance with Gov. Msg. No. 505.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 21 and Gov. Msg. No. 505 was deferred until Wednesday, February 9, 2011.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 22) recommending that S.B. No. 260 pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 260, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 23) recommending that S.B. No. 199, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce and Consumer Protection.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 199, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 24) recommending that S.B. No. 1194 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1194, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 25) recommending that S.B. No. 45 pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 45, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 26) recommending that S.B. No. 43, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 43, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 27) recommending that S.B. No. 82, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 28) recommending that S.B. No. 281, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators English and Espero, for the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 29) recommending that S.B. No. 606, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 30) recommending that S.B. No. 1320, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1320, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 31) recommending that S.B. No. 140 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 140, entitled: "A BILL FOR AN ACT MAKING A GRANT APPROPRIATION FOR THE HAWAII LIVESTOCK COOPERATIVE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 32) recommending that S.B. No. 156 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 156, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CERVICAL AND BREAST CANCER SCREENING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 33) recommending that S.B. No. 166 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 166, entitled: "A BILL FOR AN ACT RELATING TO THE CLEAN AND SOBER HOME AND HALFWAY HOUSE TASK FORCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 34) recommending that S.B. No. 598 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 598, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF ADEQUATE NEONATAL RESUSCITATION TRAINING PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 35) recommending that S.B. No. 222, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 36) recommending that S.B. No. 731, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 731, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 37) recommending that S.B. No. 247, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 247, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 38) recommending that S.B. No. 249, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 249, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 39) recommending that S.B. No. 1337, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK," passed Second Reading and was referred to the Committee on Ways and Means.

S.C.R. No. 4

Commerce and Consumer Protection, then to the Committee on Ways and Means

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 40) recommending that S.B. No. 26, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

S.C.R. No. 5

Committee on Health, then to the Committee on Judiciary and Labor

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 26, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSE FEES," passed Second Reading and was referred to the Committee on Ways and Means.

S.C.R. No. 6

Jointly to the Committee on Health and the Committee on Education

Senators English and Espero, for the Committee on Transportation and International Affairs and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 41) recommending that S.B. No. 825, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

S.C.R. No. 7

Committee on Judiciary and Labor, then to the Committee on Ways and Means

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 825, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary and Labor.

S.C.R. No. 8

Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 42) recommending that S.B. No. 41 pass Second Reading and and was referred to the Committee on Judiciary and Labor.

S.C.R. No. 9

Committee on Water, Land, and Housing, then to the Committee on Ways and Means

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 41, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PREPAID HEALTH CARE ACT," passed Second Reading and and was referred to the Committee on Judiciary and Labor.

S.C.R. No. 10

Jointly to the Committee on Health and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 43) recommending that S.B. No. 101, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

S.C.R. No. 11

Committee on Human Services, then to the Committee on Ways and Means

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 101, 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 Thursday, February 10, 2011.

S.C.R. No. 12

Jointly to the Committee on Energy and Environment and the Committee on Public Safety, Government Operations, and Military Affairs

At this time, the Chair made the following announcement:

S.C.R. No. 13

Committee on Energy and Environment, then to the Committee on Public Safety, Government Operations, and Military Affairs

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

S.C.R. No. 14

Committee on Water, Land, and Housing, then to the Committee on Public Safety, Government Operations, and Military Affairs

**ORDER OF THE DAY**  
**REFERRAL OF**  
**SENATE CONCURRENT RESOLUTIONS**

S.C.R. No. 15

Committee on Energy and Environment, then to the Committee on Ways and Means

The President made the following committee assignments of concurrent resolutions offered on Friday, January 28, 2011:

S.C.R. No. 16

Jointly to the Committee on Agriculture and the Committee on Education

S.C.R. No.: Referred to:

S.C.R. No. 17

Jointly to the Committee on Energy and Environment and the Committee on Public Safety, Government Operations, and Military Affairs

S.C.R. No. 3 Jointly to the Committee on Human Services and the Committee on

S.C.R. No. 18

Committee on Energy and Environment, then to the Committee on Judiciary and Labor

S.C.R. No. 19

Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means

S.C.R. No. 20

Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Tourism, then to the Committee on Ways and Means

**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of resolutions offered on Friday, January 28, 2011:

S.R. No.:	Referred to:
S.R. No. 4	Committee on Judiciary and Labor
S.R. No. 5	Committee on Energy and Environment, then to the Committee on Ways and Means
S.R. No. 6	Jointly to the Committee on Energy and Environment and the Committee on Public Safety, Government Operations, and Military Affairs
S.R. No. 7	Committee on Energy and Environment, then to the Committee on Judiciary and Labor
S.R. No. 8	Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety, Government Operations, and Military Affairs, then to the Committee on Ways and Means
S.R. No. 9	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Tourism, then to the Committee on Ways and Means

**RE-REFERRAL OF SENATE BILLS**

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

S.B. No.:	Re-referred to:
S.B. No. 318, S.D. 1	Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 1292	Jointly to the Committee on Human Services and the Committee on Ways and Means
S.B. No. 1293	Jointly to the Committee on Human Services and the Committee on Ways and Means

**ADJOURNMENT**

At 11:39 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 9, 2011.