

EIGHTEENTH DAY

Tuesday, February 15, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:39 a.m. with the President in the Chair.

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 130 to 136) were read by the Clerk and were placed on file:

Gov. Msg. No. 130, dated January 24, 2011, transmitting the TANF Program Report, prepared by the Department of Health, Benefit, Employment, and Support Services Division, pursuant to Act 162, Section 159, SLH 2009.

Gov. Msg. No. 131, dated January 24, 2011, transmitting the TANF Financial Plan Report, prepared by the Department of Health, Benefit, Employment, and Support Services Division, pursuant to Act 162, Section 156, SLH 2009.

Gov. Msg. No. 132, dated January 24, 2011, transmitting the Housing First Report, prepared by the Department of Health, Benefit, Employment, and Support Services Division, pursuant to Act 212, SLH 2010.

Gov. Msg. No. 133, dated January 24, 2011, transmitting the Assistance Allowance Report, prepared by the Department of Health, Benefit, Employment, and Support Services Division, pursuant to Section 346-54, HRS.

Gov. Msg. No. 134, dated January 24, 2011, transmitting the Medicaid Health Care Insurance Plan Contracts Report, prepared by the Department of Health, Med-QUEST Division, pursuant to Section 103F-107, HRS.

Gov. Msg. No. 135, dated January 24, 2011, transmitting the Immunosuppressant Medication Report, prepared by the Department of Health, Med-QUEST Division, pursuant to Act 92, Section 3, SLH 2007.

Gov. Msg. No. 136, dated January 24, 2011, transmitting the TANF Report, prepared by the Department of Health, Benefit, Employment, and Support Services Division, pursuant to Act 162, Section 158, SLH 2009, and Section 346-51.5, HRS.

DEPARTMENTAL COMMUNICATION

The following communication (Dept. Com. No. 53) was read by the Clerk and was placed on file:

Dept. Com. No. 53, from the Department of Budget and Finance dated February 1, 2011, transmitting the Summary Program Reports for the FB 2011-13 Executive Budget for the Departments of Human Services and Land and Natural Resources.

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 9) was read by the Clerk and was disposed of as follows:

Hse. Com. No. 9, transmitting H.B. No. 1077, H.D. 2, which passed Third Reading in the House of Representatives on February 14, 2011, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1077, H.D. 2, entitled: "A BILL FOR

AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed First Reading by title and was referred jointly to the Committee on Judiciary and Labor and the Committee on Ways and Means.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Judiciary and Labor presented a report (Stand. Com. Rep. No. 162) recommending that the Senate consent to the nomination of SABRINA SHIZUE MCKENNA to the office of Associate Justice, Supreme Court, State of Hawai'i, for a term of ten years, in accordance with the provisions of Article VI, Section 3 of the Hawai'i State Constitution, and in accordance with Gov. Msg. No. 521.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 162 and Gov. Msg. No. 521 was deferred until Wednesday, February 16, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 163) recommending that S.B. No. 590 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. 590, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE FEDERAL ECONOMIC STIMULUS PROGRAM OVERSIGHT COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 164) recommending that S.B. No. 636, 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. 636, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS VOTERS," 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. 165) recommending that S.B. No. 655 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. 655, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 166) recommending that S.B. No. 1193, 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. 1193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senators Espero and Tokuda, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 167) recommending that S.B. No. 1215, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Housing.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 1215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Water, Land, and Housing.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 168) recommending that S.B. No. 1222, 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. 1222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS," 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. 169) recommending that S.B. No. 230 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. 230, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY REINTEGRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 170) recommending that S.B. No. 141, 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. 141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND-SECURED FINANCING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 171) recommending that S.B. No. 119, 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. 119, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC BUILDINGS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 172) recommending that S.B. No. 113, 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. 113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS RESEARCH," passed Second

Reading and was referred to the Committee on Ways and Means.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 173) recommending that S.B. No. 110, 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. 110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," 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. 174) recommending that S.B. No. 58, 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. 58, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Nishihara and Dela Cruz, for the Committee on Agriculture and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 175) recommending that S.B. No. 1392 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. 1392, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Nishihara and Dela Cruz, for the Committee on Agriculture and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 176) recommending that S.B. No. 1511, 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. 1511, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Hee, for the Committee on Commerce and Consumer Protection and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 177) recommending that S.B. No. 1277, 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. 1277, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Gabbard, for the Committee on Commerce and Consumer Protection and the Committee on Energy and Environment, presented a joint report (Stand. Com. Rep. No. 178) recommending that S.B. No. 715 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. 715, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Baker, for the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 179) recommending that S.B. No. 1214, 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. 1214, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Gabbard and Baker, for the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 180) recommending that S.B. No. 1482 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. 1482, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 181) recommending that S.B. No. 1346, 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. 1346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," 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. 182) recommending that S.B. No. 179 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. 179, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Gabbard, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 183) recommending that S.B. No. 1059, 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. 1059, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 184) recommending that S.B. No. 934, 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. 934, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BULLYING AND CYBERBULLYING," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 185) recommending that S.B. No. 243, 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. 243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Fukunaga, for the Committee on Education and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 186) recommending that S.B. No. 1217 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. 1217, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Tokuda and Espero, for the Committee on Education and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 187) recommending that S.B. No. 813, 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. 813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 188) recommending that S.B. No. 735 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. 735, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 189) recommending that S.B. No. 898 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. 898, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 190) recommending that S.B. No. 901 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. 901, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 191) recommending that S.B. No. 903 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. 903, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 192) recommending that S.B. No. 1184, 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. 1184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 193) recommending that S.B. No. 16, 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. 16, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIT-ORIENTED DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 194) recommending that S.B. No. 1444, 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. 1444, 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 Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 195) recommending that S.B. No. 627, 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. 627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC LANDS DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 196) recommending that S.B. No. 695, 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. 695, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO LOW-INCOME HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 197) recommending that S.B. No. 1555, 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. 1555, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 198) recommending that S.B. No. 684, 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. 684, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAKE WILSON," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 199) recommending that S.B. No. 1549, 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. 1549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 200) recommending that S.B. No. 143, 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. 143, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 201) recommending that S.B. No. 1355 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. 1355, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Espero, for the Committee on Economic Development and Technology and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 202) recommending that S.B. No. 640 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. 640, entitled: "A BILL FOR AN ACT RELATING

TO THE WIRELESS ENHANCED 911 FUND,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 203) recommending that S.B. No. 237, 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. 237, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CYBERBULLYING,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 204) recommending that S.B. No. 318, 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. 318, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS DEVELOPMENT IN HAWAII,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Tokuda, for the Committee on Economic Development and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 205) recommending that S.B. No. 776, 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. 776, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SCIENCE AND TECHNOLOGY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Tokuda, for the Committee on Economic Development and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 206) recommending that S.B. No. 1132, 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. 1132, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DIGITAL MEDIA,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga and Tokuda, for the Committee on Economic Development and Technology and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 207) recommending that S.B. No. 1133, 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. 1133, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DIGITAL MEDIA,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 208) recommending that S.B. No. 1411, 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. 1411, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 209) recommending that S.B. No. 985 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. 985, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 210) recommending that S.B. No. 986, 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. 986, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Galuteria, for the Committee on Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 211) recommending that S.B. No. 981, 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. 981, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Espero, for the Committee on Human Services and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 212) recommending that S.B. No. 1294, 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 joint report of the Committees was adopted and S.B. No. 1294, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRANSFER OF YOUTH TO AN ADULT CORRECTIONAL FACILITY,” passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Chun Oakland and Baker, for the Committee on Human Services and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 213) recommending that S.B. No. 894, 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. 894, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEARING AIDS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 214) recommending that S.B. No. 210 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. 210, entitled: "A BILL FOR AN ACT RELATING TO THE PALOLO CHINESE HOME," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 215) recommending that S.B. No. 947 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. 947, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HOMELESS PROGRAMS OFFICE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 216) recommending that S.B. No. 921, 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. 921, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 217) recommending that S.B. No. 217, 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. 217, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 218) recommending that S.B. No. 1232, 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. 1232, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 219) recommending that S.B. No. 897, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Water, Land, and Housing.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Water, Land, and Housing.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 220) recommending that S.B. No. 951, 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. 951, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSAL CHILDREN'S SAVINGS ACCOUNTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 221) recommending that S.B. No. 904, 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. 904, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 222) recommending that S.B. No. 909, 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. 909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 223) recommending that S.B. No. 912, 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. 912, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 224) recommending that S.B. No. 209, 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. 209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PALOLO CHINESE HOME AND ITS SUBSIDIARIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 225) recommending that S.B. No. 900, 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. 900, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 226) recommending that S.B. No. 788, 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. 788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 227) recommending that S.B. No. 978, 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. 978, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 228) recommending that S.B. No. 964, 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. 964, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Tokuda, for the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 229) recommending that S.B. No. 799, 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. 799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Chun Oakland and Tokuda, for the Committee on Human Services and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 230) recommending that S.B. No. 918, 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. 918, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 231) recommending that S.B. No. 924 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. 924, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Fukunaga, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 232) recommending that S.B. No. 1496 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. 1496, entitled: "A BILL FOR AN ACT RELATING

TO ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Fukunaga, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 233) recommending that S.B. No. 165, 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. 165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Fukunaga, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 234) recommending that S.B. No. 1227, 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. 1227, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 159 (Gov. Msg. No. 518):

Senator Ige moved that Stand. Com. Rep. No. 159 be received and placed on file, seconded by Senator Kidani and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of KALBERT K. YOUNG as the Director of the Department of Budget and Finance, term to expire December 1, 2014, seconded by Senator Kidani.

Senator Ige rose in support of the nominee as follows:

"Mr. President, your committee has examined the experience and education of the nominee and finds him to be well-qualified to serve as the Director of Budget and Finance. He earned his Bachelor of Arts in American History and his Masters of Business Administration from the University of Hawai'i at Mānoa. He received overwhelming testimony in support of his nomination. Your committee finds that the exemplary comments received on his behalf and his experience for six years as the Director of Finance for Maui County, and extensive and impressive professional background in management and finance with Kamehameha Schools, Mr. Young has excelled in recent months as the interim Director of Finance during which time he has created short-term and long-term strategies for addressing the budgetary challenges faced by Hawai'i.

"Mr. Young, in his previous role as Director of Finance for Maui County, has demonstrated and accomplished much that encourages his confirmation at Department of Budget and Finance. For Maui County, he increased the general fund carryover saving balances for each of the years that he served. He established the funding strategy to address Maui County's unfunded liability for the non-pension retirement benefits. He developed property tax policy that reduced the county real property tax from the fiscal years 2004 through 2009. And

finally, he structured the county bond transactions to refund debt and take advantage of federal stimulus financing. Each and every one of these accomplishments at the county level would serve us well at the state level.

“Those testifying offered many exemplary comments on his behalf. Former Mayor Charmaine Tavares testified, ‘He is keenly aware of the responsibility of using taxpayer funds to operate government.’ Others testified that Mr. Young will provide a balanced approach to address the state’s fiscal requirements and the steady and wise leadership needed during these challenging times. And others had offered: ‘His no-nonsense approach, openness to new ideas, and ability to collaborate with others represents the type of financial leadership I believe the state needs at this time. He brings with him a wealth of hands-on, finance-related experience from both the private and public sectors. Mr. Young’s management style encourages staff input and participation, and it’s created a supportive work environment for the department and the staff.’ For these and many other reasons, Mr. President, I encourage all my colleagues to vote in support of this nomination. Thank you.”

Senator Baker rose in support of the nominee as follows:

“I, too, rise in support of this nominee, and appreciate the words of our Ways and Means Chair and would echo them. You know, Maui County is blessed with some excellent public servants, and Kalbert Young, who served as finance director for the County of Maui, certainly exemplifies one. We’re so lucky to have him offer his services to the State and to have his name be put forward by the Governor for the State of Hawai‘i. I’m pleased to rise in support.”

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

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

At this time, Senator Ige introduced Director Young, who was accompanied by his wife Cindy and other supporters who were seated in the gallery.

Stand. Com. Rep. No. 160 (Gov. Msg. No. 519):

Senator Ige moved that Stand. Com. Rep. No. 160 be received and placed on file, seconded by Senator Kidani and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of FREDERICK D. PABLO as the Director, Department of Taxation, term to expire December 1, 2014, seconded by Senator Kidani.

Senator Ige rose in support of the nominee as follows:

“Mr. Pablo received a Bachelor of Business Administration degree and a Master of Business Administration degree from the University of Hawai‘i at Mānoa. He is a certified public accountant and has accumulated approximately 40 years of experience in taxation and finance. More importantly, his experience runs the whole gamut from county to state to federal to international experience in tax and finance. Mr. Pablo is well-respected for his knowledge of taxation, as well as his management ability. Your committee finds that Mr. Pablo has acquired considerable tax experience in serving in international, local, and state capacities, and I strongly encourage everyone to confirm his nomination. Thank you.”

Senator Baker rose in support of the nominee as follows:

“It’s so refreshing to have someone like Mr. Pablo as the head of taxation. Not only is he responsive and quick to address the concerns that legislators have when he comes before them to testify, but I’m convinced with his background and expertise, we’re finally going to get the Department of Taxation into this

new technological age and out of all of the paper that accumulates and delays the deposit of checks. With electronic filing and processing, the Department of Taxation can ensure that receipts will be deposited in a timely manner to the benefit of the state’s coffers and not stay in a taxpayer’s personal bank account because of the delay in deposits. So, I’m delighted that another outstanding public servant from Maui County is being offered for state service. And good luck, Mr. Pablo. We need you to succeed in all that you do, and I know you will. Thank you, Mr. President.”

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

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

At this time, Senator Ige introduced Director Pablo, who was accompanied by his wife Louise Braun and other supporters who were seated in the gallery.

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

The Senate reconvened at 11:55 a.m.

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

“Members, we are about to take up the matter on final reading on civil unions. I want to explain through this means that it was my hope that we would vote on this bill today. However, I am recommending that this matter be deferred for 24 hours, and let me explain.

“By way of explanation, let me thank all of those who have testified on this measure, both as advocates and opponents of this measure. It is a living reminder of how important this legislation is and of what an impact it would have for the State of Hawai‘i and decision makers. I want to acknowledge that the lead editorial, properly, in my mind, framed the bill before us. It is a matter of equality and equity. However, as part of the importance of this measure, I received as the Chairman of the Committee on Judiciary and Labor a call from a lawyer late in the evening last night, who requested that in an abundance of caution, because of the importance of this legislation, that the Senate consider a 24-hour delay to minimize any question of whether the bill had, in fact, sat on the clerk’s desk for 48 hours. I am eminently confident that the Senate has met every legal requirement on this measure. However, having said that, I believe that it is the prudent and reasonable alternative to allow this bill to sit another 24 hours.

“We are early in the session. This is not something that needs to be moved without delay. I want to apologize for those who may have joined us in support or in opposition. However, it is my recommendation as chair, based on the circumstances that this measure is so important, that it is prudent and reasonable to wait another 24 hours; and then I am more than happy and prepared to defend the merits of the bill tomorrow. Thank you, Mr. President.”

FINAL READING

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

By unanimous consent, action on S.B. No. 232, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL UNIONS,” was deferred until Wednesday, February 16, 2011.

At this time, the Chair made the following announcement:

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

ADJOURNMENT

At 12:00 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, February 16, 2011.