

NINETEENTH DAY

Wednesday, February 16, 2011

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

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

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 137 to 140) were read by the Clerk and were placed on file:

Gov. Msg. No. 137, dated January 7, 2011, transmitting a Report Relating to a Clean Energy Bond/Property Assessed Clean Energy Program, prepared by the Department of Business, Economic Development and Tourism pursuant to H.R. No. 47, H.D. 1 (2010).

Gov. Msg. No. 138, dated January 18, 2011, transmitting the Renewable Portfolio Standards Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 95, SLH 2004.

Gov. Msg. No. 139, dated January 20, 2011, transmitting the Hawaii Economic Development Task Force Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Act 73, SLH 2010.

Gov. Msg. No. 140, dated January 28, 2011, transmitting the Energy Resources Coordinator's Report, prepared by the Department of Business, Economic Development and Tourism pursuant to Sections 196-4(11) and 48J-5(d), HRS.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 31) was read by the Clerk and was deferred:

S.C.R. No. 31 "SENATE CONCURRENT RESOLUTION REQUESTING A COMPREHENSIVE STUDY ON THE RESULTS AND IMPACT OF ACT 10, SESSION LAWS OF HAWAII 2008, AS WELL AS OTHER INFORMATION SECURITY PROPOSALS."

Offered by: Senators Gabbard, Baker, Dela Cruz, English, Espero, Kahele, Shimabukuro, Taniguchi.

STANDING COMMITTEE REPORTS

Senators Green and Espero, for the Committee on Health and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 235) recommending that S.B. No. 1298, 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. 1298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Green and Espero, for the Committee on Health and the Committee on Public Safety, Government Operations,

and Military Affairs, presented a joint report (Stand. Com. Rep. No. 236) recommending that S.B. No. 1237, 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. 1237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 237) recommending that S.B. No. 98, 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. 98, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER CARRIERS," 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. 238) recommending that S.B. No. 1454, 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. 1454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 239) recommending that S.B. No. 1302, 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. 1302, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAIR HOUSING REASONABLE ACCOMMODATIONS," 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. 240) recommending that S.B. No. 145, 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. 145, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 241) recommending that S.B. No. 1081, 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. 1081, S.D. 1, entitled: "A BILL FOR AN ACT MAKING

APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," 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. 242) recommending that S.B. No. 831, 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. 831, 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 Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 243) recommending that S.B. No. 1270, 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. 1270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 244) recommending that S.B. No. 583 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. 583, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 245) recommending that S.B. No. 1176, 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. 1176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANDATORY HEALTH COVERAGE FOR USE OF THE LIFE BED INTELLIGENT MEDICAL VIGILANCE SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 246) recommending that S.B. No. 648, 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. 648, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 247) recommending that S.B. No. 644, 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. 644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO LIQUOR TAX LAW," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 248) recommending that S.B. No. 1125, 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. 1125, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 249) recommending that S.B. No. 155, 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. 155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Baker and Fukunaga, for the Committee on Commerce and Consumer Protection and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 250) recommending that S.B. No. 775, 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. 775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Fukunaga, Espero and Dela Cruz, for the Committee on Economic Development and Technology and the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Water, Land, and Housing, presented a joint report (Stand. Com. Rep. No. 251) recommending that S.B. No. 762, 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. 762, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINING PERMIT, LICENSE, AND APPROVAL APPLICATION PROCESSING," 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. 252) recommending that S.B. No. 698, 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. 698, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ROADWAY MATERIALS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Tokuda, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 253) recommending that S.B. No. 596, 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. 596, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Fukunaga, for the Committee on Health and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 254) recommending that S.B. No. 22, 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. 22, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Green and Fukunaga, for the Committee on Health and the Committee on Economic Development and Technology, presented a joint report (Stand. Com. Rep. No. 255) recommending that S.B. No. 800, 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. 800, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," 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. 256) recommending that S.B. No. 288, 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. 288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," 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. 257) recommending that S.B. No. 962 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. 962, entitled: "A BILL FOR AN ACT RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES FROM 'MENTAL RETARDATION' TO 'INTELLECTUAL DISABILITY,'" 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. 258) recommending that S.B. No. 1510 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. 1510, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION RECORDS," 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. 259) recommending that S.B. No. 944, 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. 944, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," 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. 260) recommending that S.B. No. 954, 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. 954, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," 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. 261) recommending that S.B. No. 785, 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. 785, 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. 262) recommending that S.B. No. 940, 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. 940, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA CARE," 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. 263) recommending that S.B. No. 1110, 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. 1110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER YOUTH," 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. 264) recommending that S.B. No. 127 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. 127, entitled: "A BILL FOR AN ACT MAKING A GRANT FOR THE ESTABLISHMENT AND OPERATION OF A COMPREHENSIVE DEAF CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 265) recommending that S.B. No. 1414, 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. 1414, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REPACKAGED DRUGS AND COMPOUND MEDICATIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Baker, for the Committee on Commerce and Consumer Protection, presented a report (Stand. Com. Rep. No. 266) recommending that S.B. No. 652, 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. 652, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," 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. 267) recommending that S.B. No. 1285, 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. 1285, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Dela Cruz and Espero, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 268) recommending that S.B. No. 638, 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 joint report of the Committees was adopted and S.B. No. 638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 269) recommending that S.B. No. 717, 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. 717, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 270) recommending that S.B. No. 580, 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. 580, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC LIFE," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Dela Cruz and Espero, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 271) recommending that S.B.

No. 1556, 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. 1556, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RAIL TRANSIT STATION DEVELOPMENT," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Dela Cruz and Espero, for the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 272) recommending that S.B. No. 248, 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. 248, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEES," 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. 273) recommending that S.B. No. 1219, 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. 1219, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LANAI WATERSHED," 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. 274) recommending that S.B. No. 734, 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. 734, 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 Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 275) recommending that S.B. No. 1220, 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. 1220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," 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. 276) recommending that S.B. No. 42, 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. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN SAFETY," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Green, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Health, presented a joint report (Stand. Com.

Rep. No. 277) recommending that S.B. No. 175, 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. 175, 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.

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. 278) recommending that S.B. No. 1173, 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. 1173, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MATCHING GRANTS FOR SPACE EDUCATION PROGRAMMING SERVICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Espero and Green, for the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 279) recommending that S.B. No. 1308, 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. 1308, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senators Green and Espero, for the Committee on Health and the Committee on Public Safety, Government Operations, and Military Affairs, presented a joint report (Stand. Com. Rep. No. 280) recommending that S.B. No. 219, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the joint report of the Committees was adopted and S.B. No. 219, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 2011.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 281) recommending that S.B. No. 1089, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Espero, seconded by Senator Slom and carried, the report of the Committee was adopted and S.B. No. 1089, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS," passed Second Reading and was placed on the calendar for Third Reading on Friday, February 18, 2011.

ORDER OF THE DAY

FINAL READING

MATTER DEFERRED FROM TUESDAY, FEBRUARY 15, 2011

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 the end of the calendar.

ADVISE AND CONSENT

Stand. Com. Rep. No. 162 (Gov. Msg. No. 521):

Senator Hee moved that Stand. Com. Rep. No. 162 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved 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, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

"Judge McKenna is a highly qualified woman for the position of Associate Justice, as evidenced by her integrity, her diligence, her legal knowledge, her professional experience, her judicial temperament, her intellect, and her dedication to public service. She came from humble beginnings before receiving her Juris Doctor degree from the William S. Richardson School of Law. Judge McKenna began her career in private practice with the law firm of Goodsill Anderson Quinn and Stifel, and later moved to an in-house counsel position with Otaka, Inc. Judge McKenna later also served as an assistant professor at the University of Hawai'i William S. Richardson School of Law.

"Born in Japan, Judge McKenna's first language is Japanese. She began from humble beginnings and has worked herself steadily and dedicated herself to public service in all aspects of her life. She is a beneficiary of the Patsy Mink legislation adopted by the federal government. She began after graduation her storied judicial career as a District Court judge. Four years later, she was appointed to the Circuit Court, where she administered to more than 150 jury trials, presiding in a wide range of criminal, civil, and family cases. In 2009, Judge McKenna became the senior judge of the Family Court and was instrumental in the move to the new Kapolei Judiciary Complex. Needless to say, Family Court is one of the most challenging of all courts because of the emotions and the human dynamics of all who appear before judges and the courts. Judge McKenna has also substituted for justices at the Hawai'i Supreme Court, as well as other judges for other agency appeals.

"Aside from her wide range of professional experiences, Judge McKenna has also been an active participant in the legal community, having been a member of numerous boards and committees. She has been time and again appointed and reappointed by the Chief Justices of the State of Hawai'i Supreme Court. As a result, and not surprisingly, Judge McKenna is also a recipient of numerous awards. In the courtroom, Judge McKenna has the innate ability to balance judicial temperament with keen analytical intellect. She has been commended time and again for her compassion, her sensitivity, her thoughtfulness, her patience, integrity, generosity, kindness, and positive and energetic attitude. Her reputation within the legal community is exemplary, where she is regarded as one of the most hardworking, industrious, diligent, meticulous, and insightful jurists. Her decisions display thorough knowledge of the law, applying the facts and the law in a decisive and fair manner.

"Testifiers have praised her depth and her breadth of legal experience gained through private practice, as in-house counsel, as a law professor, and for her service on the various benches of the District, Circuit, and Hawai'i Supreme Court. There is no doubt that Judge McKenna will continue to excel and offer to others the same qualities that she has offered on the benches of the Circuit and District Court as the next Associate Justice of the Hawai'i Supreme Court. This would also mark for the first time, members, in the history of the Hawai'i Supreme Court, where two women will be seated, reflecting a more inclusive,

representative, and fair composition of the population of this state. With those few remarks, I would like to urge my fellow senators to confirm Sabrina Shizue McKenna as the next Associate Justice of the Hawai'i Supreme Court. Thank you, Mr. President."

Senator Slom rose in support of the nominee as follows:

"As I've said several times publicly, previously, I have been a friend of the judge for a number of years. I have respected and been awed by her many, many accomplishments. We're here today to confirm her as an individual, as an experienced and qualified judge. And while other factors may be of interest to some, the real reason that she is achieving this position on the Supreme Court today is because she's earned it and because we have decades of experience of the things that she's done. Not things that she's said, but things that she's done. And it is a record of integrity. It is a record of service. And as the Judiciary Chairman just mentioned—I thought he was going to say that it was the embodiment of the Boy Scout oath because everything in that oath applies to Judge McKenna—she is the right person for that job today, and we know that she will make us proud because she has been a teacher, a justice, and a mentor to so many people in this community. I only wondered why it took so long for this to happen today so, I'm very happy to lend my full support to her nomination. Thank you."

Senator Solomon rose in support of the nominee as follows:

"I too, speak in strong support, but for different reasons, although I want to incorporate the Chairman of the Judiciary's remarks as though they were my own. But I'm speaking in support of this nomination, Mr. President, because I feel very strongly that the judge will bring the kind of expertise that we need in resolving many of our Hawaiian issues. As a member of the Hawaiian caucus, we are faced with many difficult decisions this year as to how we're going to heal and bring the proper recognition to our indigenous people, our Hawaiian people, and I know that Judge McKenna has a lot of experience in this area simply because in her illustrious career she has dealt with many of these issues, and a lot of these issues began with CJ Richardson and they've carried on. I'm looking to her for the kind of guidance that we would need in terms of bringing these issues to closure so that the Hawaiian people can move on with their own agenda, as well as the people of this great state. So, with that, Mr. President, I urge all of my colleagues to please vote in her support. Thank you."

Senator Baker rose in support of the nominee as follows:

"You know, we have in Judge McKenna someone who embodies the highest ethics, integrity, qualifications, and experience. It's delightful to see that she is also a woman and will bring that additional perspective to the bench. It is, as previous speakers have noted, high time that she was put forward to serve on our highest court, and I know that she will make the Senate, all of her friends, and colleagues proud as she takes her place on our highest court, and I urge my colleagues to join me in supporting her."

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

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

At this time, Senator Hee introduced Justice McKenna, who was accompanied by her companion and life partner Denise Yamashiro, her children, and family and friends.

Senator Hee also recognized Karen Kline who was a beneficiary of the intellect and judicial temperament of Judge McKenna.

At 11:49 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 a.m.

THIRD READING

S.B. No. 729, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

S.B. No. 36, S.D. 1:

On motion by Senator Green, seconded by Senator Nishihara and carried, S.B. No. 36, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

S.B. No. 170, S.D. 1:

On motion by Senator Espero, seconded by Senator English and carried, S.B. No. 170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

S.B. No. 1213, S.D. 1:

On motion by Senator Espero, seconded by Senator Dela Cruz and carried, S.B. No. 1213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

S.B. No. 1309, S.D. 1:

Senator Ige moved that S.B. No. 1309, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Slom rose to speak in opposition to the measure and said:

"I rise in opposition for several reasons, not the least of which is the testimony by the Lieutenant Governor in Ways and Means was very troubling in that he intends to set up a number of special funds for his fee collecting purposes that he outlined during his testimony. I think that there may be a problem even in the title of the bill meeting the constitutional requirement of subject matter matching the title. While the title talks about the Lieutenant Governor's special fund, in the bill itself, in the body of the bill, it talks about depositing funds and fees into the general fund and then talks about the auditor examining the possibility of a special fund. So, I call this to your attention, but in any event, I think it is a bad bill. It's a bad precedent; at a time when we should be removing special funds and holding agencies accountable, we have the Lieutenant Governor's office trying to add more. Thank you."

The motion was put by the Chair and carried, S.B. No. 1309, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE LIEUTENANT GOVERNOR SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Solomon). Excused, 2 (Kouchi, Taniguchi).

S.B. No. 250, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 250, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON SALARIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kouchi, Taniguchi).

FINAL READING

MATTER DEFERRED FROM EARLIER ON THE CALENDAR

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

Senator Hee moved that S.B. No. 232, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Galuteria rose in support of the measure as follows:

"Mr. President, I stood before you on January 28, along with other colleagues, debating the merits of this landmark legislation. I could probably enter the exact same remarks into the record because my views haven't changed, but hopefully we will advance this bill to the Governor, rendering this the last time we address this issue on the Senate floor. With that hope, I'd like to offer mana'o, extended thoughts, combined with previous remarks.

"Mr. President, we're here today to stand up for human rights, not special rights. We're here to affirm the rights of all who live in Hawai'i to legal protection and social respect for our relationships. Now, let me be clear because the bill itself is clear. By establishing the status of civil unions in this state, it is not the Legislature's intent to revise the definition or eligibility requirements of 'marriage' under Chapter 572, Hawaii Revised Statutes. This is a human rights issue, Mr. President, and I stand to ask this body to move this civil union bill, so we may indeed have justice for all. In addition, today we're engaged in this continuing struggle to defend the right of those in committed relationships and committed family relationships, irrespective of gender, to receive services and opportunities.

"But, Mr. President, legal protection is not enough. Beyond this arena there is a hope for public commitment and social recognition. Civil unions will provide a choice for those who want to make a formal commitment to one another. It is unfortunate that those who choose this path are told that their relationships do not contribute to the social fabric of Hawai'i, that they do not deserve respect. Mr. President, the social cost of this prejudice is, like any other prejudice, enormous. But legislation alone cannot solve this problem. It must be solved in the homes of everyone in our communities across the country and across this great state. As Martin Luther King, Jr. once said, 'Injustice anywhere is a threat to justice everywhere.' Again, I ask you colleagues to advance this bill. Let us be the people of aloha that we were meant to be. Mahalo, Mr. President."

Senator Hee rose to speak in support of the measure as follows:

"I want to thank all of those who have testified on this measure. I wish to thank my hardworking staff who have, on more than one occasion, kept the ball moving on this issue by providing information, by providing data to move this bill quickly through the Senate to the House. I want to thank the other Chamber, the members of the House, who sought to improve the bill and, in fact, that brings us to today to make this bill a better bill. I want to also thank, last but not least, the members of the Judiciary Committee, who worked hard in agreement and in disagreement to bring us to this day.

"Today is a momentous day. There is no denying that by this action, Hawai'i takes a significant step towards true equality. There is no denying and one cannot ignore the plain fact of the matter that by taking this significant step in the right direction, people such as the woman who was just confirmed to sit as an Associate Justice of the highest court in this state herself becomes a recipient of justice.

"We were honored today and, by your vote, confirmed today by unanimous vote Sabrina Shizue McKenna. We also gave honor to her companion and life partner, and most of all we brought dignity to her two children of biological birth and her third child who is the biological child of her partner, all three from the same father who is a donor from California. She said to me her children now get the same entitlement as other parents with children of their own. We are here on a very momentous occasion not only to seek a new Justice, but to give justice to that Justice. I urge all of you to vote 'yes.' Thank you."

Senator Gabbard rose to speak in opposition to the measure as follows:

"Mr. President and colleagues, I was actually warned beforehand by one of my colleagues that anything that I say today would be construed as trying to delay or kill this bill, but I feel compelled to say a few remarks.

"Colleagues, in my humble opinion, we're making a big mistake in rushing the civil unions bill through. The two points that I would like to make today: One, many people who oppose the bill are going to feel that the process is unfair, that we did not have enough time to digest it, and that we really didn't discuss all of the ramifications. We're going to have a major part of our community that simply feels angry and disenfranchised. Two, the bill is flawed. We've been hearing a lot about equality over the past 20 years. If the advocates for this bill truly want equality, we should do the right thing now and allow all adults to enter into a civil union, including blood relatives. Yes, if you're related by blood, you can become a reciprocal beneficiary and receive the 35 or 40 survivorship benefits. But for some reason, according to this bill, you cannot enter into a civil union and get all the benefits that married couples receive presently. And that's clearly discriminatory. You saw the headlines. It was mentioned on the floor the other day. In yesterday's *Star-Advertiser*, it was said in the editorial: 'All Couples Deserve Equality'. And I've asked my staff to remind me to call their corrections department, because it should read: all couples deserve equality except those related by blood.

"We talk a lot about blended families and the importance of 'ohana here in Hawai'i, and recently I was visited by a woman who was taking care of her elderly, invalid father. She is struggling financially and would certainly appreciate any tax breaks that she could get, but because she's related by blood, she cannot enter into a civil union. Or, for example, I know two sisters who are actually my neighbors out in Kalaheo. They're in their 50s. They're both school teachers. They've been living together for years now and taking care of each other. They even adopted two beautiful children. Yet, these two sisters are not allowed to enter into a civil union because they're related by blood, and, what's interesting, yet two perfect strangers who meet on the street can say, 'Hey, let's sign up for a civil union so we can get all the tax breaks and benefits that everyone else gets.' And that's okay. So I don't get it. Why are people related by blood being discriminated against? And what puzzles me is why aren't the equality advocates standing up for these sisters? Or this daughter and her invalid father? It doesn't make sense to not allow two sisters to receive the same benefits as heterosexual or homosexual couples.

“We’ve got lots of time this session to make this needed change. I’m once again asking that we slow this down and take into account the controversy and divisiveness surrounding the bill. If we rush this through, potentially, lawsuits will be filed, and we’ll be back on this issue again in 2012, trying to fix it. I’ve contacted the Attorney General’s office for an official opinion. While I’ve received a preliminary answer from him, we need an official opinion which will take more time. The easiest solution, of course, is instead of creating a whole new section of the law, just take the existing reciprocal beneficiaries law and expand it. Everyone is already included there. Or if you insist on using this bill, we should delete lines 8 to 15 on page 2, which then would allow blood relatives to enter into a civil union.

“But colleagues, ultimately, the state should get out of the marriage business. I’ve been thinking about this for over a year and was reminded recently by comments made on the floor by the esteemed leader of the minority caucus. God forbid we would ever give credit to the minority leader for coming up with a good idea. And also comments that were made by former Governor Cayetano, who said in May of last year, and I quote: ‘I think the state should get out of the business of marriage. Marriage is a religious ceremony to be left to the churches.’ I totally agree, and keep coming to this question: Why are we giving benefits to any couples? The only people who should really be getting benefits from the state are those with dependents, those couples who have dependents; and this is why I’ve drafted a resolution for introducing which would request that the AG’s office establish a task force to review the legal, tax, and economic ramifications of the state discontinuing to license marriage.

“And finally, instead of doing things piecemeal, I ask that we take time to look at the big picture. We’re dealing with relationships. We’re dealing with family, the glue that holds our society together. What’s the rush? I ask that you please consider these points and join me in voting against S.B. No. 232. Mahalo.”

Senator Baker rose to speak in support of the measure as follows:

“I guess it’s interesting that if the opposition knows they’re about to be on the losing end, they will come up with whatever it takes to try to delay and derail this measure. I continue to be reminded that we talk about justice delayed is justice denied. Well, from my vantage point, equality delayed is equality denied; and quite frankly, there’s been a lot of debate and discussion on this measure. I think it’s time to move on and do what’s pono for all of the people in this state. This is not redefining marriage. It’s not telling anybody that you have to enter into this sort of relationship or this kind of entity. But it is providing for those in committed relationships to have the protection of the laws and the full weight of equality on their side; and I think that’s what we need to be concerned about and considering. And I urge all my colleagues: let’s move this expeditiously. Let’s get it up to the Governor’s office for signature and then we can have a real ‘ohana and real equality in our state. Mahalo.”

Senator English rose to speak in support of the measure as follows:

“‘And liberty and justice for all.’ That is a saying that we have been taught since we were very young. Today, we advance that notion, that idea in Hawai‘i: that everyone is equal and that we have the obligation to protect that for one another. So, today, remember this moment. It will probably be one of the highlights of all of our careers in this body. You know, every day we vote on all sorts of things, and there are few, few items that rise above all of them. Today, we will vote

on granting liberty and justice for all. Equality for all. I ask that you support the measure. Thank you.”

Senator Slom rose to speak in opposition to the measure as follows:

“First of all, let me say that I have no animosity for anyone, and I certainly agree with the majority leader that thank goodness we will get this off the Senate after years and years and years. And I was one of those six senators in the Judiciary Committee that spent 18 hours continuously—the longest single hearing in the history of the Hawai‘i Legislature. So, it is true that we have discussed and re-discussed this issue over and over again, but it’s also true that this is an engine, very speedy, coming out of the tunnel now; the fastest piece of legislation in anyone’s memory. And it’s also true that a lot of people have a bad taste in their mouth for how this legislation was forced upon us and the political aspects of it, particularly from the end of last year’s legislative session in the House, the last hour of the last day, to what’s happened this year.

“We have differences of opinion, although it’s interesting that those of us that differ on this bill, have been the subject of a great deal of criticism and name-calling as well. We disagree on bills all the time, and that’s part of the process; and that’s why I say that I respect everyone who has come over the years and who has testified. I appreciate the good Senator from Kalaeloa mentioning my position and also mentioning Governor Cayetano. This has been my public position for 20 years, that the Legislature should not be involved with marriages or many other things that it’s involved with. I’ve also said that one of my problems with this bill is that it diverts attention from what we’re supposed to be really doing here.

“Tomorrow marks the 20th day of this legislative session, one-third of the way. We have no operating budget. We have no bills that will seriously and meaningfully address our problem as having one of the worst financial situations in the nation. We have no bills that are moving meaningfully to add jobs, improve the business climate, or to reduce our spending and debt. To the contrary: We are adding more spending and more debt, and one of the questions that arose in this bill was the economic implications. You can talk about human rights, you can talk about justice, you can talk about all of those things, but you cannot ignore the possible economic implications including those that will impact the State’s Employee Retirement System. That system, the ERS, is underfunded by nearly \$8 billion right now. It is ranked fifth worst in the United States; and along with the healthcare system, which also will be impacted but we don’t know by how much, we have grave economic challenges ahead of us. And no one seems to want to address them in their haste to get his bill through, to make it the first bill that the Governor signs into law.

“I don’t mind being on the losing end. Heck, I probably hold the record here—being on the losing end—but people have to stand up for things. They have to stand up for their principles and what they believe in, and they also have to ask questions and demand that we get answers, because the implications of these questions unanswered impact everyone in this state and not just now, but in the future as well.

“The attorney general sent in testimony, and he had a number of comments and concerns that have not been addressed with even this House draft one of the version. One had to do with the filing of joint state tax returns on the matter, which it’s done. Another concern had to do with not specifically addressing the termination of a civil union partnership. A third, the bill does not clearly define and distinguish about adoption procedures in civil union relationships. Fourth point that the attorney general made was that partners to a civil union not solemnized in Hawai‘i may be able to claim civil union status without formal documentation

and it calls into question civil unions in those few other states that allow it. The attorney general also called attention to a number of ambiguities—unclear statements—and other potential problems.

“Unfortunately, the Legislature, when it picks something that it really and passionately wants to move along, even though it has warnings or cautions about these instances, will always pass a bad bill and say we can come back later and fix it. Our responsibility should be to fix it now.

“We can debate about human rights and civil rights, and there is a debate. There are good points to be made on both sides and there have been inappropriate and outrageous remarks made by those on both sides. We should be civil to everyone that we talk with and discuss issues with, but the idea that someone says something is of a certain weight and magnitude does not, in and of itself, make it so. Those supporters today think that this will be a historic and legendary day for Hawai‘i. I do not. Again, I say that we should be doing primarily and in priority order those things which need our attention. Yet, we’re not doing that, and I think that’s a shame.

“I also again say that it is totally inappropriate to link and bring in the newly confirmed Supreme Court Justice who you heard me strongly support and confirm, as I have for over a decade. That is not an issue. I supported that individual and that woman because of her absolute qualifications and expertise—nothing else. And yet, we continue to try to bring people into a debate and into an argument even though they have not said that they are part of that argument. Let the bill and let the issue stand on its own merits. Enjoy the political victory that you have today, but remember that the problems and the challenges in the State of Hawai‘i still exist.

“By passing this law, which we have shown is so divisive within our community, is not going to satisfy everyone or even the majority of people. By doing it in a manner that we have done further tells people that they don’t have confidence in our Legislature. And finally, not allowing the people to vote on this important social issue, I think it is an error. So, with these remarks, again I say that I respect everyone who has testified for and against. The discussion will go on; not in the legislative arena, but probably it will move to the judicial arena.

“And with that, Mr. President, I call for a Roll Call vote. [The Chair so ordered.] Thank you.”

Senator Hee rose in rebuttal and said:

“Thank you for recognizing me; I cannot wait to respond to the previous speaker. The problem is I don’t know where to begin. In January, the previous speaker as well as the other previous speaker who raised reservations, stood before those two flags up there and before the two flags in front of him and solemnly promised to support and defend the Constitution of the United States of America and the Constitution of the State of Hawai‘i. Maybe it was a punchline when they did so. Because if they’d meant what they said, they would support and defend that, ‘we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness;’ that no state shall ‘deny to any person within its jurisdiction the equal protection of the laws’ (that’s what that flag there means); that Article I of the Hawai‘i State Constitution says that ‘equality of rights under the law shall not be denied or abridged by the State;’ that ‘no person shall be deprived of life, liberty and property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the person’s civil rights, or be discriminated against.’ ‘The right of the people to privacy is recognized and shall not be infringed;’ that ‘no citizen shall

be disenfranchised or deprived of any of the rights or privileges secured to other citizens.’ That’s what that flag means.

“You know, I sat here 20 years ago, and I remember Senator Abercrombie (now Governor Abercrombie) and former Senator Cayetano (now former Governor Cayetano), and he used to look at some of the other guys and he would say, ‘Must be tough to lose.’ Must be. But the suggestion that economic implications take precedence over equality on its face does not deserve a response and will get none. That the implication that Associate Justice Sabrina Shizue McKenna be brought into the dialogue is outrageous and inappropriate. Ask her. Ask Associate Justice McKenna about her children. And then when you’re done, ask any woman about her children. And ask the woman’s partner, male or female, about his or her children. Inappropriate? Outrageous? I don’t think so. But ask McKenna; she’ll tell you. Because this is what she told me: ‘Isn’t it something that they can vote for me and not for my children?’ In her eyes, it’s not about her. It’s about her children. Ask any mother. It’s not about her. It’s about her children. We are here for her children and every child yet unborn. That is the significance of this day.

“Economic implications? Haste to judgment? This should have been done 20 years ago. This bill is not perfect. What bill is perfect? If bills were perfect, there’s no need for the Legislature, is there? No one would deny that this is perfection before us, no more than any one of us is perfect before their creator. Not a one. But this is a significant step in the right direction. This is a step towards that flag and that flag.

“You know, one of the previous speakers brought up the issue of blood relatives. Fair enough. That’s what this forum is for—issues. So, I called several advocates, and they said it doesn’t belong there; that if a sister wanted to leave a brother or a sister, or a grandmother wanted to leave a grandchild their property, the proper vehicle is a will. It’s a will. But if that is a compelling belief, I invite those who share that belief to submit an amendment to the bill. That’s fair, because that’s why we’re here.

“Mr. President and colleagues, let me read from the *Star-Advertiser* in an opinion lead editorial entitled ‘All Couples Deserve Equality’, ‘that improving the assurance of equal treatment does not expose a vulnerability, but instead strengthens Hawai‘i as a state that looks out for the interests of all its people’ and that ‘passing S.B. 232 will become a point at which’ all ‘Hawai‘i looks back with pride.’ Thank you, Mr. President.”

Senator Slom rose in rebuttal and said:

“The good Senator from Kahalu‘u lives for moments to grandstand and to attack what I say; and that, of course, is his right and his privilege. But what I don’t appreciate is when he doesn’t tell the truth about what I said. When I raise the issue of economic implications, I did not say it was superior to equal rights because I don’t believe that. I raised it as an issue which has not been addressed, just as I raise the issues in the attorney general’s testimony which have not been addressed; and I think that’s extremely important. And I’m fully aware of the significance of that American flag and that Hawaiian flag and the oath and pledge I take under the United States and Hawaiian Constitutions, and I would not get any schooling in constitutional law from the good Senator from Kahalu‘u. And when it was brought up that ‘liberty and justice for all,’ it should have been added that that’s great, but we’re not allowed to pledge allegiance to the flag in this body. And it should be brought up that we’re not allowed to pray in this body anymore. So, we’re very selective in the kinds of rights and the kinds of responsibilities that we address in this body.

“And as for the personal conversations, if someone has something to say, they either say it to the group, they testify to it, or they say it before another body. Instead, we continue to hear from the good Senator from Kahalu‘u about the conversations that he has, and we’re supposed to accept that. I have conversations with people, too, and they differ in what the content is, but that’s not what the issue is. The issue here is, and as I stood before you and said, ‘I respect people that have different opinions.’ But if you’re going to talk about issues here and you’re going to try to make it personal, then it doesn’t belong in this body. And if you’re going to talk about now is the time to pass this bill because you read the Constitution, I would ask what’s happened in the previous 51 years when we’ve had one party control this Legislature continuously in all but eight years, and the executive branch upstairs. If it were that important at that time and if it was that wrong in the Constitution, then it should have been addressed previously.

“I have a real problem with reading the Constitution and finding within it a lot of things that special interests want to see there in that Constitution. And, as a matter of fact, we’re looking right now at the courts and ultimately to the United States Supreme Court about an idea in terms of the commerce clause. And there are other clauses in the Constitution. Because someone wants it or because they interpret it that way does not make it right. That is why we have a justice system. That is why we have final adjudication before the United States Supreme Court, and that’s what we’ll do. So, again, this idea of loser, I don’t think so.

“Mr. President, I think we’re all winners when we can debate issues fairly and we reach a conclusion, and we move on, and as I said from the outset, do the important and most important business of this body and that is to bring economic equality to the people of Hawai‘i. Thank you.”

Senator Gabbard rose in rebuttal and said:

“I wasn’t going to say anything else, but since the previous Senator from Kahalu‘u brought up the previous speaker which was me, I, too, understand what the two flags mean. I understand the oath that I took. I understand it completely. And I think that when your integrity gets questioned, it behooves me to stand up and to explain that I fully understand what they mean.

“Secondly, in bringing up equal protection under the law and the Creator endowing us with unalienable rights, he’s made the case for the amendments for this bill because who you are leaving out is that father, that invalid father and his daughter, those two sisters from Kalaeloa. You’re leaving them out of this bill, and that’s not right.

“As far as the amendment, in talking with the equality advocates, the proponents of the bill, saying, ‘Well, just let those sisters leave it to them in a will.’ Well, if that’s the case, we’re just going to let them leave their estates or whatever in a will, then why do we need this bill? Then everybody can just do that. So unfortunately, I was not able to introduce a floor amendment as this has all kind of come to a head recently in terms of after 20 years of dealing with this bill. I really do feel that the ultimate solution here is looking at the total picture of marriage, relationships, family, and then coming together and coming for a real solution; that’s the answer. Thank you.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the Senate agreed to the amendments proposed by the House to S.B. No. 232, S.D. 1, and S.B. No. 232, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL UNIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Dela Cruz, Espero, Gabbard, Kim, Slom). Excused, 2 (Kouchi, Taniguchi).

At this time, the Chair made the following announcement:

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

RE-REFERRAL OF SENATE BILLS

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

S.B. No.:	Re-referred to:
S.B. No. 80	Jointly to the Committee on Energy and Environment and the Committee on Water, Land, and Housing and the Committee on Public Safety, Government Operations, and Military Affairs, then jointly to the Committee on Tourism and the Committee on Ways and Means
S.B. No. 333, S.D. 1	Committee on Economic Development and Technology, then to the Committee on Ways and Means
S.B. No. 705	Committee on Health, then to the Committee on Commerce and Consumer Protection
S.B. No. 1395	Jointly to the Committee on Public Safety, Government Operations, and Military Affairs and the Committee on Ways and Means
S.B. No. 1498	Committee on Economic Development and Technology, then jointly to the Committee on Commerce and Consumer Protection and the Committee on Ways and Means

Senator Baker, Chair of the Committee on Commerce and Consumer Protection, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 893.

Senator Baker noted:

“The reason is the bill proposes to provide resources to continue the Newsline which is a program...”

At 12:40 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:41 p.m.

Senator Baker continued:

“S.B. No. 893 is to provide resources to continue Newsline, which is a service to the blind individuals in our state. However, the way the bill was drafted provided problems, and I wanted to make sure that we had a pathway to do this appropriately before I set the bill for hearing. We found that pathway, and so I’m asking for a waiver so we can hear the bill.”

The Chair granted the waiver.

Senator Espero, Chair of the Committee on Public Safety, Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 112.

Senator Espero noted:

“This measure had a triple referral last week, which we heard. Unfortunately, there were two ‘with amendment’ votes taken and those have to be changed to ‘as is.’”

The Chair granted the waiver.

ADJOURNMENT

At 12:43 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, February 17, 2011.