

THIRTY-FIFTH DAY

Tuesday, March 22, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 11:35 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Fourth Day.

At this time, Senator Dela Cruz introduced members of Aged to Perfection, a group of senior citizens from Kaua'i, Maui, and O'ahu who were seated in the gallery.

Senator Dela Cruz recognized and congratulated Jalee Fuselier for her contributions in representing Hawai'i with aloha as Miss Hawai'i 2010. Also recognized were Ms. Fuselier's parents James and Janet Fuselier, along with members of the Miss Hawai'i Board of Directors including Greg Tsuda and Ryan Brown who were seated in the gallery.

Senators Dela Cruz, Green, Wakai, and Chun Oakland recognized and congratulated the recipients of the Prudential Spirit of Community Awards 2011 for the State of Hawai'i including: Carly Button of Hawaii Technology Academy, 2011 Hawai'i State Middle School Honoree; Natalie Mohr of Kealakehe High School, 2011 Hawai'i State High School Honoree; Richel Marie Cole of Sacred Heart's Academy, 2011 Hawai'i State High School Distinguished Finalist; and Kyle Nakatsuka of Kamehameha Schools Kapālama Campus, 2011 Hawai'i State High School Distinguished Finalist.

Ms. Button was accompanied by her parents Mark and Diana, grandmother Rosemary Steiss, and sister Hannah who were seated in the gallery.

Ms. Mohr was accompanied by family members Sandy, Tina, and sisters June and Lauren who were seated in the gallery.

Ms. Cole was accompanied by her parents Ricardo and Elisa Cole who were seated in the gallery.

Mr. Nakatsuka was accompanied by his grandmother Florence Loo, aunt Victoria Loo, and brother Andrew who were seated in the gallery.

Senator Dela Cruz also introduced Mr. Todd Thakar, a Prudential Representative.

At 11:47 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 a.m.

MESSAGE FROM THE GOVERNOR

The following message from the Governor (Gov. Msg. No. 594) was read by the Clerk and was disposed of as follows:

Gov. Msg. No. 594, submitting for consideration and confirmation to the Circuit Court of the Second Circuit, State of Hawai'i, the nomination of JOSEPH L. WILDMAN, term to expire in ten years, was referred to the Committee on Judiciary and Labor.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 818) recommending that S.C.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 818 and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2011 AS RONALD REAGAN DAY IN HONOR OF THE CENTENNIAL ANNIVERSARY OF HIS BIRTH," was deferred until Wednesday, March 23, 2011.

Senator Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 49, H.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 H.B. No. 49, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARMED FORCES SERVICE MEMBERS," 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. 820) recommending that H.B. No. 681, H.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 H.B. No. 681, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MILITARY," 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. 821) recommending that H.B. No. 1109, H.D. 1, 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 H.B. No. 1109, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," 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. 822) recommending that H.B. No. 121, H.D. 1, 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 H.B. No. 121, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 823) recommending that H.B. No. 1248, H.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 H.B. No. 1248, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 824) recommending

that H.B. No. 866, H.D. 2, 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 H.B. No. 866, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 1552, H.D. 1, 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 H.B. No. 1552, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COFFEE," passed Second Reading and was referred to the Committee on Commerce and Consumer Protection.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 865, H.D. 2, 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 H.B. No. 865, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION FEES," 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. 827) recommending that H.B. No. 798, H.D. 1, 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 H.B. No. 798, H.D. 1, 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. 828) recommending that H.B. No. 1045, H.D. 1, 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 H.B. No. 1045, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," 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. 829) recommending that H.B. No. 1130, 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 H.B. No. 1130, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 830) recommending that H.B. No. 227, H.D. 2, 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 H.B. No. 227, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRESPASS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 831) recommending that H.B. No. 1277, H.D. 2, 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 H.B. No. 1277, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATEWIDE AGRICULTURE WATER DEVELOPMENT STUDY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nishihara, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 832) recommending that H.B. No. 1570, H.D. 2, 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 H.B. No. 1570, H.D. 2, 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 Espero, for the Committee on Public Safety, Government Operations, and Military Affairs, presented a report (Stand. Com. Rep. No. 833) recommending that H.B. No. 1339, H.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 H.B. No. 1339, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," 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. 834) recommending that H.B. No. 1431, H.D. 1, 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 H.B. No. 1431, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COVENANTS," 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. 835) recommending that H.B. No. 491, H.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 H.B. No. 491, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," 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. 836) recommending that H.B. No. 1626, H.D. 1, 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 H.B.

No. 1626, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAXES," 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. 837) recommending that H.B. No. 1000, H.D. 2, 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 H.B. No. 1000, H.D. 2, 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.

At this time, the Chair made the following announcement:

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

ORDER OF THE DAY

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

H.B. No.:	Re-referred to:
H.B. No. 383	Committee on Ways and Means

Senator Green, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following bills:

H.B. No. 614, H.D. 2;
H.B. No. 905, H.D. 1; and
H.B. No. 597, H.D. 1.

Senator Green noted:

"Your committee would like to add these measures to an agenda tomorrow in order to meet the Second Lateral deadline."

The Chair granted the waiver.

Senator Hee, Chair of the Committee on Judiciary and Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 801, H.D. 2.

Senator Hee noted:

"Your committee would like to add this measure to tomorrow's decision making agenda to meet the Second Lateral deadline."

The Chair granted the waiver.

At 11:56 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:57 a.m.

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

"I just wanted to remind my colleagues that today is the deadline to sign the condolence book at the consulate. I went yesterday, and I encourage everybody to do so by 3:00 p.m. today."

ADJOURNMENT

At 11:58 a.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 23, 2011.