

TWENTY-SIXTH DAY

Tuesday, March 4, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 10:19 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Rosalyn Baker, Hawaii State Senate, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 227 and 228) were read by the Clerk and were referred to committees:

Gov. Msg. No. 227, submitting for consideration and confirmation as Director of the Department of Public Safety, the nomination of JOHN F. PEYTON JR., term to expire December 4, 2006, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 228, submitting for consideration and confirmation as Director of the Department of Taxation, the nomination of KURT K. KAWAFUCHI, term to expire December 4, 2006, was referred to the Committee on Ways and Means.

DEPARTMENTAL COMMUNICATION

Dept. Com. No. 26, from the State Auditor dated February 28, 2003, transmitting a report, "Financial Audit of the John A. Burns School of Medicine of the University of Hawaii," (Report No. 03-02), was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 66 to 108) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 66, transmitting H.C.R. No. 26, H.D. 1, which was adopted by the House of Representatives on February 28, 2003, was placed on file.

By unanimous consent, action on H.C.R. No. 26, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPEAKER OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO EDUCATE AND SENSITIZE MEMBERS OF CONGRESS ON THE UNFORTUNATE CIRCUMSTANCES OF THE INTERNMENT OF CIVILIANS DURING WORLD WAR II," was deferred until Thursday, March 6, 2003.

Hse. Com. No. 67, transmitting H.B. No. 29, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 29, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," passed First Reading by title and was deferred.

Hse. Com. No. 68, transmitting H.B. No. 73, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 73, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT," passed First Reading by title and was deferred.

Hse. Com. No. 69, transmitting H.B. No. 127, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 127, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL ASSISTANCE," passed First Reading by title and was deferred.

Hse. Com. No. 70, transmitting H.B. No. 129, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 129, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," passed First Reading by title and was deferred.

Hse. Com. No. 71, transmitting H.B. No. 179, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 179, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF LAND IN NORTH KONA," passed First Reading by title and was deferred.

Hse. Com. No. 72, transmitting H.B. No. 294, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 294, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS," passed First Reading by title and was deferred.

Hse. Com. No. 73, transmitting H.B. No. 314, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 314, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL SECURITY GUARDS," passed First Reading by title and was deferred.

Hse. Com. No. 74, transmitting H.B. No. 324, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 324, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed First Reading by title and was deferred.

Hse. Com. No. 75, transmitting H.B. No. 401, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 401, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 76, transmitting H.B. No. 418, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 418, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 77, transmitting H.B. No. 531, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 531, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 78, transmitting H.B. No. 533, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 533, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT ETHICS," passed First Reading by title and was deferred.

Hse. Com. No. 79, transmitting H.B. No. 620, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 620, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed First Reading by title and was deferred.

Hse. Com. No. 80, transmitting H.B. No. 638, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 638, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," passed First Reading by title and was deferred.

Hse. Com. No. 81, transmitting H.B. No. 645, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 645, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed First Reading by title and was deferred.

Hse. Com. No. 82, transmitting H.B. No. 668, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 668, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 83, transmitting H.B. No. 691, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 691, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC PROCUREMENT CODE," passed First Reading by title and was deferred.

Hse. Com. No. 84, transmitting H.B. No. 704, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 704, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CODE," passed First Reading by title and was deferred.

Hse. Com. No. 85, transmitting H.B. No. 735, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 735, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SEXUAL ASSAULT SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 86, transmitting H.B. No. 740, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 740, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL LITTERING," passed First Reading by title and was deferred.

Hse. Com. No. 87, transmitting H.B. No. 757, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 757, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING RECORDS," passed First Reading by title and was deferred.

Hse. Com. No. 88, transmitting H.B. No. 851, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 851, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," passed First Reading by title and was deferred.

Hse. Com. No. 89, transmitting H.B. No. 887, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 887, H.D. 1, entitled: "A BILL FOR AN ACT CORPORATE DISCLOSURE FOR

CAMPAIGN SPENDING,” passed First Reading by title and was deferred.

Hse. Com. No. 90, transmitting H.B. No. 969, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 969, H.D. 1, entitled: “A BILL FOR AN ACT RELATED TO COLLECTIVE BARGAINING,” passed First Reading by title and was deferred.

Hse. Com. No. 91, transmitting H.B. No. 981, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 981, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COURTS,” passed First Reading by title and was deferred.

Hse. Com. No. 92, transmitting H.B. No. 1053, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1053, entitled: “A BILL FOR AN ACT RELATING TO CONSERVATION,” passed First Reading by title and was deferred.

Hse. Com. No. 93, transmitting H.B. No. 1064, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1064, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed First Reading by title and was deferred.

Hse. Com. No. 94, transmitting H.B. No. 1081, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1081, entitled: “A BILL FOR AN ACT RELATING TO THE STATE INTERNET PORTAL,” passed First Reading by title and was deferred.

Hse. Com. No. 95, transmitting H.B. No. 1160, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1160, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT,” passed First Reading by title and was deferred.

Hse. Com. No. 96, transmitting H.B. No. 1164, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1164, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” passed First Reading by title and was deferred.

Hse. Com. No. 97, transmitting H.B. No. 1165, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1165, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION,” passed First Reading by title and was deferred.

Hse. Com. No. 98, transmitting H.B. No. 1176, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1176, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed First Reading by title and was deferred.

Hse. Com. No. 99, transmitting H.B. No. 1217, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1217, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” passed First Reading by title and was deferred.

Hse. Com. No. 100, transmitting H.B. No. 1225, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1225, entitled: “A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES,” passed First Reading by title and was deferred.

Hse. Com. No. 101, transmitting H.B. No. 1247, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1247, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A CONTRAFLOW LANE ON FARRINGTON HIGHWAY ALONG THE WAIANAE COAST FROM MOHIHI STREET TO PILIOKAHI AVENUE,” passed First Reading by title and was deferred.

Hse. Com. No. 102, transmitting H.B. No. 1272, H.D. 2, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1272, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES,” passed First Reading by title and was deferred.

Hse. Com. No. 103, transmitting H.B. No. 1302, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1302, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” passed First Reading by title and was deferred.

Hse. Com. No. 104, transmitting H.B. No. 1303, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1303, entitled: “A BILL FOR AN

ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed First Reading by title and was deferred.

Hse. Com. No. 105, transmitting H.B. No. 1342, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1342, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR YOUTH SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 106, transmitting H.B. No. 1373, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1373, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed First Reading by title and was deferred.

Hse. Com. No. 107, transmitting H.B. No. 1511, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1511, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed First Reading by title and was deferred.

Hse. Com. No. 108, transmitting H.B. No. 1660, H.D. 1, which passed Third Reading in the House of Representatives on February 28, 2003, was placed on file.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 1660, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed First Reading by title and was deferred.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 44 to 52) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 44 "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES OF AMERICA TO ISSUE AN EXECUTIVE ORDER GRANTING FEDERAL VETERANS EQUITY BENEFITS AND SERVICES TO FILIPINO WORLD WAR II VETERANS, THEIR SPOUSES, AND THEIR CHILDREN."

Offered by: Senators Chun Oakland, Espero, Kawamoto.

No. 45 "SENATE CONCURRENT RESOLUTION ENDORSING THE GOOD BEGINNINGS ALLIANCE INTERDEPARTMENTAL COUNCIL'S SCHOOL READINESS TASK FORCE HAWAII STATE PRESCHOOL CONTENT STANDARDS."

Offered by: Senators Chun Oakland, Kim, Inouye, Kawamoto, Hooser, Hanabusa, Kanno, Aduja, Fukunaga, Sakamoto.

No. 46 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF DEVELOPING HAWAII MARKETS FOR WOOD WASTE."

Offered by: Senators Fukunaga, Aduja, Inouye, Kokubun, Ige, Ihara, Hanabusa, English, Sakamoto, Hogue, Kanno, Chun Oakland, Tsutsui, Taniguchi, Kawamoto, Trimble, Espero, Baker.

No. 47 "SENATE CONCURRENT RESOLUTION REQUESTING THE ADOPTION OF STATEWIDE PRESCHOOL CONTENT STANDARDS FOR EARLY EDUCATION PROGRAMS IN HAWAII."

Offered by: Senators Chun Oakland, Inouye, English, Slom, Hanabusa, Aduja, Hooser, Baker, Ige, Hemmings, Espero, Taniguchi, Kokubun, Ihara, Tsutsui.

No. 48 "SENATE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF HEALTH'S QUALITY ASSURANCE FOR PROVIDERS OF SERVICES TO THE DEVELOPMENTALLY DISABLED AND TO RECOMMEND A LEVEL OF BUDGET FUNDING TO ENSURE COMPLIANCE WITH FEDERAL MANDATES."

Offered by: Senators Chun Oakland, Inouye, Trimble, Aduja, Tsutsui, Fukunaga, Baker, Ige.

No. 49 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSIST AN ADVISORY COMMITTEE CONCERNING ESTABLISHING AN OFFICE OF INTERNATIONAL AFFAIRS."

Offered by: Senators Kokubun, Fukunaga.

No. 50 "SENATE CONCURRENT RESOLUTION REQUESTING STATE AND COUNTY DEPARTMENTS AND AGENCIES TO ACCEPT THE OFFICIAL MEXICAN CONSULAR IDENTIFICATION CARDS AS VALID IDENTIFICATION."

Offered by: Senator Bunda.

No. 51 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT ON THE STATUS AND EFFECTIVENESS OF STUDENT FINANCIAL AID PROGRAMS."

Offered by: Senators Sakamoto, Baker, Hooser, Kawamoto.

No. 52 "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A SCHOOL FACILITY USE POLICY THAT ESTABLISHES PRIORITY USES FOR THE BENEFIT OF THE SURROUNDING COMMUNITY."

Offered by: Senators Sakamoto, Baker, Hooser, Kawamoto.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 28 to 32) were read by the Clerk and were deferred:

Senate Resolution

No. 28 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO ASSIST AN ADVISORY COMMITTEE CONCERNING ESTABLISHING AN OFFICE OF INTERNATIONAL AFFAIRS."

Offered by: Senators Kokubun, Fukunaga.

No. 29 "SENATE RESOLUTION REQUESTING THAT PUBLIC SCHOOLS OFFER GIRLS FOOTBALL AS A VARSITY SPORT."

Offered by: Senators Chun Oakland, Fukunaga, Hogue, Hanabusa, Aduja, Baker, Kanno.

No. 30 "SENATE RESOLUTION REQUESTING STATE AND COUNTY DEPARTMENTS AND AGENCIES TO ACCEPT THE OFFICIAL MEXICAN CONSULAR IDENTIFICATION CARDS AS VALID IDENTIFICATION."

Offered by: Senator Bunda.

No. 31 "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A REPORT ON THE STATUS AND EFFECTIVENESS OF STUDENT FINANCIAL AID PROGRAMS."

Offered by: Senators Sakamoto, Baker, Hooser, Kawamoto.

No. 32 "SENATE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A SCHOOL FACILITY USE POLICY THAT ESTABLISHES PRIORITY USES FOR THE BENEFIT OF THE SURROUNDING COMMUNITY."

Offered by: Senators Sakamoto, Baker, Hooser, Kawamoto.

ORDER OF THE DAY

HOUSE COMMUNICATION

MATTER DEFERRED FROM TUESDAY, FEBRUARY 18, 2003

H.B. No. 564 (Hse. Com. No. 5):

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, H.B. No. 564, entitled: "A BILL FOR AN ACT RELATING TO PROMOTION OF CONTROLLED SUBSTANCES," passed First Reading by title.

REFERRAL OF HOUSE BILLS

MATTERS DEFERRED FROM FRIDAY, FEBRUARY 28, 2003

H.B. No. 52, H.D. 2 (Hse. Com. No. 12):

By unanimous consent, action on H.B. No. 52, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred until Thursday, March 6, 2003.

H.B. No. 53 (Hse. Com. No. 13):

By unanimous consent, action on H.B. No. 53, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME RELATED USES," was deferred until Thursday, March 6, 2003.

H.B. No. 58 (Hse. Com. No. 14):

By unanimous consent, action on H.B. No. 58, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was deferred until Thursday, March 6, 2003.

H.B. No. 86, H.D. 1 (Hse. Com. No. 15):

By unanimous consent, action on H.B. No. 86, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Thursday, March 6, 2003.

H.B. No. 122 (Hse. Com. No. 16):

By unanimous consent, action on H.B. No. 122, entitled: "A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN," was deferred until Thursday, March 6, 2003.

H.B. No. 123, H.D. 1 (Hse. Com. No. 17):

By unanimous consent, action on H.B. No. 123, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY," was deferred until Thursday, March 6, 2003.

H.B. No. 133, H.D. 1 (Hse. Com. No. 18):

By unanimous consent, action on H.B. No. 133, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was deferred until Thursday, March 6, 2003.

H.B. No. 192, H.D. 1 (Hse. Com. No. 19):

By unanimous consent, action on H.B. No. 192, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," was deferred until Thursday, March 6, 2003.

H.B. No. 218 (Hse. Com. No. 20):

By unanimous consent, action on H.B. No. 218, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE VEHICLE LEASES," was deferred until Thursday, March 6, 2003.

H.B. No. 277, H.D. 1 (Hse. Com. No. 21):

By unanimous consent, action on H.B. No. 277, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, March 6, 2003.

H.B. No. 285, H.D. 1 (Hse. Com. No. 22):

By unanimous consent, action on H.B. No. 285, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," was deferred until Thursday, March 6, 2003.

H.B. No. 286 (Hse. Com. No. 23):

By unanimous consent, action on H.B. No. 286, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," was deferred until Thursday, March 6, 2003.

H.B. No. 320, H.D. 2 (Hse. Com. No. 24):

By unanimous consent, action on H.B. No. 320, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT," was deferred until Thursday, March 6, 2003.

H.B. No. 436 (Hse. Com. No. 25):

By unanimous consent, action on H.B. No. 436, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO

FUND A SECOND AMBULANCE TO SERVE THE WAIANAE COAST," was deferred until Thursday, March 6, 2003.

H.B. No. 475 (Hse. Com. No. 26):

By unanimous consent, action on H.B. No. 475, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," was deferred until Thursday, March 6, 2003.

H.B. No. 485 (Hse. Com. No. 27):

By unanimous consent, action on H.B. No. 485, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAUOLI SCHOOL," was deferred until Thursday, March 6, 2003.

H.B. No. 488 (Hse. Com. No. 28):

By unanimous consent, action on H.B. No. 488, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE," was deferred until Thursday, March 6, 2003.

H.B. No. 509, H.D. 1 (Hse. Com. No. 29):

By unanimous consent, action on H.B. No. 509, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," was deferred until Thursday, March 6, 2003.

H.B. No. 548, H.D. 2 (Hse. Com. No. 30):

By unanimous consent, action on H.B. No. 548, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," was deferred until Thursday, March 6, 2003.

H.B. No. 604 (Hse. Com. No. 31):

By unanimous consent, action on H.B. No. 604, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred until Thursday, March 6, 2003.

H.B. No. 657, H.D. 1 (Hse. Com. No. 32):

By unanimous consent, action on H.B. No. 657, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION," was deferred until Thursday, March 6, 2003.

H.B. No. 659 (Hse. Com. No. 33):

By unanimous consent, action on H.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE JOURNALS," was deferred until Thursday, March 6, 2003.

H.B. No. 730 (Hse. Com. No. 34):

By unanimous consent, action on H.B. No. 730, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," was deferred until Thursday, March 6, 2003.

H.B. No. 731, H.D. 1 (Hse. Com. No. 35):

By unanimous consent, action on H.B. No. 731, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

WORKERS' COMPENSATION," was deferred until Thursday, March 6, 2003.

H.B. No. 744, H.D. 1 (Hse. Com. No. 36):

By unanimous consent, action on H.B. No. 744, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL," was deferred until Thursday, March 6, 2003.

H.B. No. 754 (Hse. Com. No. 37):

By unanimous consent, action on H.B. No. 754, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL," was deferred until Thursday, March 6, 2003.

H.B. No. 762, H.D. 1 (Hse. Com. No. 38):

By unanimous consent, action on H.B. No. 762, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION HEARINGS," was deferred until Thursday, March 6, 2003.

H.B. No. 802, H.D. 1 (Hse. Com. No. 39):

By unanimous consent, action on H.B. No. 802, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 711, HAWAII REVISED STATUTES," was deferred until Thursday, March 6, 2003.

H.B. No. 813 (Hse. Com. No. 40):

By unanimous consent, action on H.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," was deferred until Thursday, March 6, 2003.

H.B. No. 814 (Hse. Com. No. 41):

By unanimous consent, action on H.B. No. 814, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," was deferred until Thursday, March 6, 2003.

H.B. No. 815 (Hse. Com. No. 42):

By unanimous consent, action on H.B. No. 815, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," was deferred until Thursday, March 6, 2003.

H.B. No. 818, H.D. 1 (Hse. Com. No. 43)

By unanimous consent, action on H.B. No. 818, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," was deferred until Thursday, March 6, 2003.

H.B. No. 884 (Hse. Com. No. 44):

By unanimous consent, action on H.B. No. 884, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred until Thursday, March 6, 2003.

H.B. No. 939 (Hse. Com. No. 45):

By unanimous consent, action on H.B. No. 939, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HOALA SCHOOL," was deferred until Thursday, March 6, 2003.

H.B. No. 1010, H.D. 1 (Hse. Com. No. 46):

By unanimous consent, action on H.B. No. 1010, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE

OF INTOXICANTS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1022 (Hse. Com. No. 47):

By unanimous consent, action on H.B. No. 1022, entitled: “A BILL FOR AN ACT RELATING TO EXPUNGEMENT,” was deferred until Thursday, March 6, 2003.

H.B. No. 1155, H.D. 1 (Hse. Com. No. 48):

By unanimous consent, action on H.B. No. 1155, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY,” was deferred until Thursday, March 6, 2003.

H.B. No. 1157 (Hse. Com. No. 49):

By unanimous consent, action on H.B. No. 1157, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” was deferred until Thursday, March 6, 2003.

H.B. No. 1161, H.D. 1 (Hse. Com. No. 50):

By unanimous consent, action on H.B. No. 1161, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1163 (Hse. Com. No. 51):

By unanimous consent, action on H.B. No. 1163, entitled: “A BILL FOR AN ACT RELATING TO DENTAL INSURANCE,” was deferred until Thursday, March 6, 2003.

H.B. No. 1172 (Hse. Com. No. 52):

By unanimous consent, action on H.B. No. 1172, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT,” was deferred until Thursday, March 6, 2003.

H.B. No. 1255 (Hse. Com. No. 53):

By unanimous consent, action on H.B. No. 1255, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1276, H.D. 1 (Hse. Com. No. 54):

By unanimous consent, action on H.B. No. 1276, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1277 (Hse. Com. No. 55):

By unanimous consent, action on H.B. No. 1277, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 16, OF THE CONSTITUTION OF THE STATE OF HAWAII, TO PROVIDE THE LEGISLATURE WITH THE POWER TO RECALL A BILL PRESENTED TO THE GOVERNOR,” was deferred until Thursday, March 6, 2003.

H.B. No. 1294 (Hse. Com. No. 56):

By unanimous consent, action on H.B. No. 1294, entitled: “A BILL FOR AN ACT RELATING TO ENVIRONMENTAL

IMPACT STATEMENTS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1307, H.D. 1 (Hse. Com. No. 57):

By unanimous consent, action on H.B. No. 1307, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1362 (Hse. Com. No. 58):

By unanimous consent, action on H.B. No. 1362, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL,” was deferred until Thursday, March 6, 2003.

H.B. No. 1405, H.D. 1 (Hse. Com. No. 59):

By unanimous consent, action on H.B. No. 1405, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BIOFUEL,” was deferred until Thursday, March 6, 2003.

H.B. No. 1453, H.D. 1 (Hse. Com. No. 60):

By unanimous consent, action on H.B. No. 1453, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS,” was deferred until Thursday, March 6, 2003.

H.B. No. 1479, H.D. 1 (Hse. Com. No. 61):

By unanimous consent, action on H.B. No. 1479, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A NATIONAL KOREAN WAR MUSEUM IN HAWAII,” was deferred until Thursday, March 6, 2003.

H.B. No. 1495, H.D. 1 (Hse. Com. No. 62):

By unanimous consent, action on H.B. No. 1495, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CREMATION,” was deferred until Thursday, March 6, 2003.

H.B. No. 1564 (Hse. Com. No. 63):

By unanimous consent, action on H.B. No. 1564, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY,” was deferred until Thursday, March 6, 2003.

H.B. No. 1630, H.D. 1 (Hse. Com. No. 64):

By unanimous consent, action on H.B. No. 1630, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES,” was deferred until Thursday, March 6, 2003.

H.B. No. 83, H.D. 1 (Hse. Com. No. 65):

By unanimous consent, action on H.B. No. 83, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE ALOHA COUNCIL BOY SCOUTS OF AMERICA,” was deferred until Thursday, March 6, 2003.

THIRD READING

S.B. No. 69, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, S.B. No. 69, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TEACHER EDUCATION COORDINATING COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 394:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 394, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 678, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 678, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1077, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1314:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1314, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGIST LICENSING REQUIREMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1319, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1319, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1323:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1323, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1325:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1325, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1630:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1630, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 368:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 368, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 390:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 390, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 685:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 685, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBERS PLACED IN POLL BOOKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 830, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 830, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1130:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1130, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1131:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1131, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1403:

On motion by Senator Inouye, seconded by Senator Kawamoto and carried, S.B. No. 1403, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION'S MARITIME-RELATED USES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1058, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1058, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1200, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1200, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1306:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1306, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS RELAY SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 373, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 373, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 610 (S.B. No. 562):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 562, entitled: "A BILL FOR AN ACT RELATING TO TERMINABLE RENTAL ADJUSTMENT CLAUSE

VEHICLE LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 611 (S.B. No. 676):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 676, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 612 (S.B. No. 1468, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 1468, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 613 (S.B. No. 550, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 613 was adopted and S.B. No. 550, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 616 (S.B. No. 1242):

Senator Hanabusa moved that Stand. Com. Rep. No. 616 be adopted and S.B. No. 1242, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Baker rose and said:

"Mr. President, I rise to request that remarks I have on several bills appearing on the consent calendar be inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 1242. Access to government information has always been a concern for citizens from the Neighbor Islands. Distance and isolation have been the primary barriers to fair government access. Advances in telecommunication including cable television availability have done much to lower that barrier, but access to those conduits of information is still uneven for some communities. By making fair access a statewide concern, this measure will enable the development of a fair system of information distribution to all citizens who seek to know more about government, how it works and its impact on their lives.

"This measure empowers the Governor to appoint a statewide fair access commission and mandates that commission along with the existing joint legislative access committee to review, evaluate, and make recommendations for improving the level of access by neighbor island and rural Oahu residents to proceedings, information, and services of government and the Legislature. It's time to take down the

geographical barriers to equal access to information for all our citizens. Innovative solutions for removing those barriers would benefit all citizens of the State. We cannot have an effective democracy if not all of our citizens have equal access to their government. S.B. No. 1242 moves us closer to this fair access goal.

"I urge my colleagues to join me to support this important measure.

"Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 616 was adopted and S.B. No. 1242, entitled: "A BILL FOR AN ACT RELATING TO FAIR ACCESS FOR STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 617 (S.B. No. 1449, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 617 was adopted and S.B. No. 1449, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 619 (S.B. No. 1594):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1318, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 629 (S.B. No. 552, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 552, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS' LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 631 (S.B. No. 881, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 631 was adopted and S.B. No. 881, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 632 (S.B. No. 1234, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 632 was adopted and S.B. No. 1234, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOLIC BEVERAGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 633 (S.B. No. 1360, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 633 was adopted and S.B. No. 1360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 634 (S.B. No. 1469, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 634 be adopted and S.B. No. 1469, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Baker rose and said:

"Mr. President, I rise to request that remarks I have on several bills appearing on the consent calendar be inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 1469, S.D. 1, relating to peer support counseling also known as critical incident stress management sessions for law enforcement and emergency personnel. Hawaii's law enforcement and emergency personnel are responsible for saving thousands of lives each year and providing a wide variety of services for the people of Hawaii. However, their diligent efforts to ensure public safety can take a tremendous toll on their physical and mental well being. Stress levels among Hawaii's law enforcement and emergency personnel is extremely high, as they must deal with crises that can involve horrific injuries and fatalities.

"Peer support counseling is a useful tool to help law enforcement and emergency personnel cope with the traumatic events they face on a daily basis. These critical incidents create extreme stress, which can be severe enough to disrupt both the personal and professional lives of law enforcement and emergency personnel. Protecting their privacy while helping them to manage their stress is of paramount importance. If the right steps are taken immediately following a critical incident the stress levels can be lessened and managed. During a critical stress incident stress debriefing, only the debriefing team and those who were at the critical incident may attend. No one may take notes or repeat what was said and no reports are made other than to advise that a debriefing took place. Peer support counseling sessions must be private and completely

confidential, if not, they will not work. This measure ensures such confidentiality.

"I urge my colleagues to join me to support this important measure on behalf of our State's law enforcement and emergency personnel.

"Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 634 was adopted and S.B. No. 1469, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEER SUPPORT COUNSELING SESSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 630, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 630, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1041, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1041, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1107, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1107, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 711, HAWAII REVISED STATUTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1132, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 51:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 51, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER'S LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 689:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 689, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1266, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 1266, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVERS' LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1405:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 1405, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1406:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 1406, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1407:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 1407, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 363:

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, S.B. No. 363, entitled: "A BILL FOR AN ACT RELATING TO EXPERIMENTAL MODERNIZATION PROJECTS FOR COUNTY BOARDS OF WATER SUPPLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 299, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 299, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 652 (S.B. No. 713):

On motion by Senator Kawamoto, seconded by Senator Espero and carried, Stand. Com. Rep. No. 652 was adopted and S.B. No. 713, entitled: "A BILL FOR AN ACT RELATING TO CLOSURE OF MUNICIPAL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 653 (S.B. No. 527):

On motion by Senator Kawamoto, seconded by Senator Espero and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 527, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 654 (S.B. No. 41):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 41, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 656 (S.B. No. 1210):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 1210, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 660 (S.B. No. 492):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 492, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR ENERGY EFFICIENCY IN STATE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 661 (S.B. No. 505):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 505, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 663 (S.B. No. 857, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 857, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALIEN INVASIVE SPECIES," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 664 (S.B. No. 919, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 919, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR BIOREMEDIATION RESEARCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 666 (S.B. No. 6, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 6, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COACHES' STIPENDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 668 (S.B. No. 16, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 16, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 671 (S.B. No. 58, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 58, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 682 (S.B. No. 666, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 666, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 691 (S.B. No. 560, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 691 was adopted and S.B. No. 560, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 694 (S.B. No. 381, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 694 was adopted and S.B. No. 381, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF DAMAGES FOR HAWAIIAN HOME LANDS TRUST INDIVIDUAL CLAIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 695 (S.B. No. 474, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 695 was adopted and S.B. No. 474, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 697 (S.B. No. 610, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 610, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL CLAIMS RESOLUTION UNDER THE HAWAIIAN HOME LANDS TRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 706 (S.B. No. 1413):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 706 was adopted and S.B. No. 1413, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 707 (S.B. No. 1437):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 707 was adopted and S.B. No. 1437, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 708 (S.B. No. 1465, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 708 was adopted and S.B. No. 1465, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR UNIFORM LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 710 (S.B. No. 534, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 710 was adopted and S.B. No. 534, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 711 (S.B. No. 540, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 540, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 714 (S.B. No. 1066):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 714 was adopted and S.B. No. 1066, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUEA CEMETERY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 715 (S.B. No. 1076, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 1076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATURAL AREA RESERVES SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 716 (S.B. No. 1258, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 1258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 718 (S.B. No. 1495, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 1495, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII DROUGHT PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 720 (S.B. No. 759, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 720 was adopted and S.B. No. 759, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION BENEFITS

TRUST PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 732 (S.B. No. 1309, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 732 was adopted and S.B. No. 1309, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 733 (S.B. No. 1312, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 733 was adopted and S.B. No. 1312, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 734 (S.B. No. 1373, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 734 was adopted and S.B. No. 1373, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STAFFING FOR FEDERALLY FUNDED PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 745 (S.B. No. 1201, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 1201, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE FRANCHISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 747 (S.B. No. 1361, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 1361, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 295, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 295, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 374, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 374, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1049, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1229, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1313:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1313, entitled: "A BILL FOR AN ACT RELATING TO THE EXAMINATION FOR LICENSURE AS A CERTIFIED PUBLIC ACCOUNTANT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1317, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1317, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1484:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1484, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1270, S.D. 1:

On motion by Senator Menor, seconded by Senator Hanabusa and carried, S.B. No. 1270, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANTI-TRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 993, S.D. 1:

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, S.B. No. 993, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1237, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, S.B. No. 1237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1326, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, S.B. No. 1326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1427:

On motion by Senator Chun Oakland, seconded by Senator Inouye and carried, S.B. No. 1427, entitled: "A BILL FOR AN ACT RELATING TO RELAY SERVICES FOR DEAF, HARD-OF-HEARING, AND SPEECH-IMPAIRED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1492, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Inouye and carried, S.B. No. 1492, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ASSISTED LIVING FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 553, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 553, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OR ERADICATION OF PESTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 776 (S.B. No. 91, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 91, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 777 (S.B. No. 378, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 378, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 779 (S.B. No. 473, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HALFWAY HOUSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 780 (S.B. No. 542, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 542, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORGANIC LABELING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 782 (S.B. No. 843, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 782 was adopted and S.B. No. 843, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION OF AQUATIC LIFE, WILDLIFE, AND LAND PLANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 785 (S.B. No. 1554, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 785 was adopted and S.B. No. 1554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN HISTORIC SITES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 786 (S.B. No. 1636, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 1636, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 665, S.D. 1:

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, S.B. No. 665, S.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO PREPAID HEALTH CARE PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 687, S.D. 1:

On motion by Senator Kanno, seconded by Senator Kawamoto and carried, S.B. No. 687, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 427, S.D. 1:

On motion by Senator Ige, seconded by Senator Hanabusa and carried, S.B. No. 427, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 793 (S.B. No. 489):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 489, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 794 (S.B. No. 498, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 794 was adopted and S.B. No. 498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 795 (S.B. No. 574, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 795 was adopted and S.B. No. 574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 796 (S.B. No. 614, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 796 was adopted and S.B. No. 614, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 797 (S.B. No. 695, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 797 was adopted and S.B. No. 695, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL COUNSELORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 800 (S.B. No. 1087, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 800 was adopted and S.B. No. 1087, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 801 (S.B. No. 1283):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 801 was adopted and S.B. No. 1283, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 802 (S.B. No. 1315):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 802 was adopted and S.B. No. 1315, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 803 (S.B. No. 1316):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 803 was adopted and S.B. No. 1316, entitled: "A BILL FOR AN ACT RELATING TO DENTAL INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 804 (S.B. No. 1322, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 804 was adopted and S.B. No. 1322, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PREMIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 805 (S.B. No. 1421, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 805 was adopted and S.B. No. 1421, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO EARNED INCOME DEDUCTION FOR PUBLIC HOUSING RENT CALCULATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 806 (S.B. No. 1629, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 806 was adopted and S.B. No. 1629, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 809 (S.B. No. 457, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 809 was adopted and S.B. No. 457, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIPAHU COMMUNITY ADULT DAY HEALTH CENTER AND YOUTH DAY CARE CENTER PILOT PROJECT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 810 (S.B. No. 740):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 810 was adopted and S.B. No. 740, 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, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 811 (S.B. No. 748, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 748, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 815 (S.B. No. 1241):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 815 was adopted and S.B. No. 1241, entitled: "A BILL FOR AN ACT RELATING TO CANCER EXAMINATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 816 (S.B. No. 1243, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 816 was adopted and S.B. No. 1243, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRIMARY HEALTH CARE FOR THE UNINSURED," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 817 (S.B. No. 1279, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 817 was adopted and S.B. No. 1279, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 818 (S.B. No. 1357, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 818 was adopted and S.B. No. 1357, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS REGISTRATION DISTRICTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 819 (S.B. No. 1358, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 819 was adopted and S.B. No. 1358, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH, HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) COMPLIANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 820 (S.B. No. 1367, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 820 was adopted and S.B. No. 1367, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 823 (S.B. No. 1675):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 823 was adopted and S.B. No. 1675, 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, 24. Noes, none. Excused, 1 (Ihara).

Stand. Com. Rep. No. 824 (S.B. No. 1676):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 824 was adopted and S.B. No. 1676, 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, 24. Noes, none. Excused, 1 (Ihara).

S.B. No. 582:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 582, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1305, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1305, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1395, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1395, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OR REPEAL OF OBSOLETE TAX LAWS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1396:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1396, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1397, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1397, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SIMPLIFIED TAX ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 420, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 420, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 836 (S.B. No. 637):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 836 was adopted and S.B. No. 637, entitled: "A BILL FOR AN ACT RELATING TO MISSING CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 837 (S.B. No. 859, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 837 was adopted and S.B. No. 859, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 839 (S.B. No. 870, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 839 was adopted and S.B. No. 870, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 841 (S.B. No. 884, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 841 was adopted and S.B. No. 884, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR MEDICAID PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 843 (S.B. No. 959, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 843 was adopted and S.B. No. 959, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 844 (S.B. No. 961, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 844 was adopted and S.B. No. 961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOOD BEGINNINGS ALLIANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 845 (S.B. No. 964, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 845 was adopted and S.B. No. 964, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TREATMENT SERVICES FOR CHILD VICTIMS OF INTRAFAMILIAL SEXUAL ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 846 (S.B. No. 974, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 846 was adopted and S.B. No. 974, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRESCHOOL OPEN DOORS PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 847 (S.B. No. 1286, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 847 was adopted and S.B. No. 1286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 848 (S.B. No. 1351):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 848 was adopted and S.B. No. 1351, entitled: "A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS FOR ADULT SERVICES PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 849 (S.B. No. 1352, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 849 was adopted and S.B. No. 1352, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 850 (S.B. No. 1353):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 850 was adopted and S.B. No. 1353, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 853 (S.B. No. 1580):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 853 was adopted and S.B. No. 1580, entitled: "A BILL FOR AN ACT RELATING TO ADVOCACY FOR HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 857 (S.B. No. 1647, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 857 was adopted and S.B. No. 1647, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 859 (S.B. No. 426, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 859 was adopted and S.B. No. 426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 860 (S.B. No. 455, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 860 was adopted and S.B. No. 455, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE FRIENDS OF WAIPAHU CULTURAL GARDEN PARK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 861 (S.B. No. 726):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 861 was adopted and S.B. No. 726, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL ADVISORY COUNCIL FOR TECHNOLOGY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 862 (S.B. No. 1249, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 862 was adopted and S.B. No. 1249, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS TECHNOLOGY TRANSFER GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 864 (S.B. No. 1489, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 864 was adopted and S.B. No. 1489, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 889:

On motion by Senator Baker, seconded by Senator Kawamoto and carried, S.B. No. 889, entitled: "A BILL FOR

AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1260, S.D. 1:

On motion by Senator Inouye, seconded by Senator Baker and carried, S.B. No. 1260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1281, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 1281, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 837, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Kanno and carried, S.B. No. 837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 889 (S.B. No. 458, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 889 was adopted and S.B. No. 458, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 891 (S.B. No. 528, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 891 was adopted and S.B. No. 528, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 893 (S.B. No. 684, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 893 was adopted and S.B. No. 684, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 894 (S.B. No. 686, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 894 was adopted and S.B. No. 686, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 896 (S.B. No. 835, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 896 was adopted and S.B. No. 835, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STORED VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 899 (S.B. No. 1050, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 899 was adopted and S.B. No. 1050, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 900 (S.B. No. 1136, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 900 was adopted and S.B. No. 1136, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE DRIVER'S LICENSE REVOCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 902 (S.B. No. 1261):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 902 was adopted and S.B. No. 1261, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT CARD PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 904 (S.B. No. 1374):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 904 was adopted and S.B. No. 1374, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 907 (S.B. No. 1408, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 907 was adopted and S.B. No. 1408, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO STATEWIDE TRANSPORTATION PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 908 (S.B. No. 1477, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 908 was adopted and S.B. No. 1477, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MUNICIPAL LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 910 (S.B. No. 1479, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 910 was adopted and S.B. No. 1479, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VETERANS CEMETERIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1311, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1311, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1400, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 914 (S.B. No. 1661, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 914 was adopted and S.B. No. 1661, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 915 (S.B. No. 75, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 915 was adopted and S.B. No. 75, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 920 (S.B. No. 354, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 920 was adopted and S.B. No. 354, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 921 (S.B. No. 506):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 921 was adopted and S.B. No. 506, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ROYALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 922 (S.B. No. 855, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 922 was adopted and S.B. No. 855, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 926 (S.B. No. 1255, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 926 was adopted and S.B. No. 1255, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 927 (S.B. No. 1257):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 927 was adopted and S.B. No. 1257, entitled: "A BILL FOR AN ACT RELATING TO THE IRRIGATION WATER DEVELOPMENT SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 929 (S.B. No. 1432, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 929 was adopted and S.B. No. 1432, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIVERSIFIED AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 931 (S.B. No. 1555):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 931 was adopted

and S.B. No. 1555, entitled: "A BILL FOR AN ACT RELATING TO A LAND EXCHANGE BETWEEN THE STATE OF HAWAII AND THE BOY SCOUTS OF AMERICA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 932 (S.B. No. 361, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 932 was adopted and S.B. No. 361, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEED AND SEED PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 933 (S.B. No. 618, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 933 was adopted and S.B. No. 618, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 934 (S.B. No. 632, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 934 was adopted and S.B. No. 632, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 935 (S.B. No. 634, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 935 was adopted and S.B. No. 634, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TWO COUNSELORS TO TREAT WOMEN INCARCERATED FOR DRUG-RELATED OFFENSES ON MAUI," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 937 (S.B. No. 802, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 937 was adopted and S.B. No. 802, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT RECORDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 938 (S.B. No. 877, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 938 was adopted and S.B. No. 877, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read

throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 939 (S.B. No. 996, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 939 was adopted and S.B. No. 996, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 941 (S.B. No. 1135, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 941 was adopted and S.B. No. 1135, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 942 (S.B. No. 1138, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 942 was adopted and S.B. No. 1138, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 943 (S.B. No. 1154):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 943 was adopted and S.B. No. 1154, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 946 (S.B. No. 62, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 946 was adopted and S.B. No. 62, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 951 (S.B. No. 779, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 951 was adopted and S.B. No. 779, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 952 (S.B. No. 783, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 952 was adopted and S.B. No. 783, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEE'S RETIREMENT SYSTEM FOR EMERGENCY MEDICAL TECHNICIANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 956 (S.B. No. 1425, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 956 was adopted and S.B. No. 1425, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS MENTORING OF YOUTH AND YOUNG ADULTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 959 (S.B. No. 664, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 959 was adopted and S.B. No. 664, S.D. 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING APPROPRIATIONS FOR THE DEVELOPMENT OF A VETERANS AFFAIRS LONG-TERM CARE FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 960 (S.B. No. 739):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 960 was adopted and S.B. No. 739, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 962 (S.B. No. 963, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 962 was adopted and S.B. No. 963, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE POISON CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 964 (S.B. No. 65, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 964 was adopted and S.B. No. 65, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRIBUSINESS INCUBATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 965 (S.B. No. 359, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 965 was adopted and S.B. No. 359, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FILM INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 966 (S.B. No. 1253, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 966 was adopted and S.B. No. 1253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DATA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1356, S.D. 1:

Senator Baker moved that S.B. No. 1356, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Baker rose and said:

"Mr. President, I rise to request that remarks I have on several bills appearing on the consent calendar be inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 1356, S.D. 1, which updates and streamlines the State's vital statistics system. Specifically, this bill will update the death registry and certificate process that has been in place since 1949.

"The current death registration process is paper based and begins only after the survivors of the deceased select a mortuary. The funeral director alone is responsible for initiating and completing the registration. After the funeral director files the completed death certificate with the Department of Health a burial-transit permit can be obtained which then allows the disposal of human remains. The Department staff must then review the certificate for errors, omissions and request corrections and amendments before an accurate and complete death certificate can be produced and issued to the survivors. The Department staff must also data-enter the information off the paper certificate to create an electronic version of the death record. This cumbersome system creates delays and inhibits proper transferring of data.

"The Department of Health, working in collaboration with the Healthcare Association came up with the language necessary to facilitate a more timely registration of deaths and the transit permits by converting from a paper-based to an electronic registration process. In addition, the recording of fetal deaths will be converted to a report based process similar to that used for intentional terminations of pregnancies. In the present system fetal deaths follow the same process involving the death of living persons.

"Additionally, it was brought to the Health Committee's attention that due to implementation of the privacy provisions of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) this bill was a good vehicle to address those concerns. Thus, a provision was inserted which allows

for a patient's next of kin to have access to their medical records if the patient or the patient's attorney is unable to do so. Currently, Hawaii has no next-of-kin law, to allow family members of the deceased to have access to the deceased's medical records, except those who have some form of legal designation. This will pose a severe problem when HIPAA's privacy provisions take effect. Under HIPAA, providers will be prohibited from allowing families to access or authorize the release of the deceased patient's records. Thus, when a surviving spouse requests that their deceased spouses' records be sent to a life insurance company, their request would be denied due to HIPAA regulations.

"The death of a loved one is a very difficult event. Without the provisions of this bill that time of grief may be even more traumatic. I urge my colleagues to join me in supporting this measure to streamline the death event registration process and create a next-of-kin provision.

"Mahalo."

The motion was put by the Chair and carried, S.B. No. 1356, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF VITAL STATISTICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 88, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Menor and carried, S.B. No. 88, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES OWNED BY MILITARY PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 831, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1044:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1044, entitled: "A BILL FOR AN ACT RELATING TO EXECUTIVE COMMUNICATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1274, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANSLAUGHTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1275:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1275, entitled: "A BILL FOR AN ACT RELATING TO ASSAULT AGAINST LAW ENFORCEMENT OFFICERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1324, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1324, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONCILIATION PANELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1392:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1392, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF COMMITTED PERSONS' MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1603, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1604, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1604, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CITIZENS RIGHT TO VOTE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1605, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT COMPLIANCE WITH THE UNIFORM INFORMATION PRACTICES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 988 (S.B. No. 946):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 988 was adopted and S.B. No. 946, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVER CONSENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 992 (S.B. No. 921, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 992 was adopted and S.B. No. 921, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WORKSITE TEMPORARY RESTRAINING ORDER ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 996 (S.B. No. 624, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 996 was adopted and S.B. No. 624, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMED CONSENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 998 (S.B. No. 827, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 998 was adopted and S.B. No. 827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 999 (S.B. No. 1560):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 999 was adopted and S.B. No. 1560, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY LEFT IN A DANGEROUS CONDITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1000 (S.B. No. 1606, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 1000 was adopted and S.B. No. 1606, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:24 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:09 o'clock a.m.

THIRD READING

Stand. Com. Rep. No. 743 (S.B. No. 683, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 743 be adopted and S.B. No. 683, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

At 11:10 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:10 o'clock a.m.

Senator Kawamoto rose and said:

"Mr. President, basically, since we didn't offer the floor amendment, I just want to make some comments.

"Mr. President, this bill is a step forward from what we have, but not a big enough step. When we try to mandate anything as the Legislature, we mandate it because of quality and safety. Personally, I think the current education diabetes program, the quality of the program is not as good as it can be.

"I personally was affected by it. I am diabetic and have been for the last 10 years now. I attended a quality diabetes education program. I paid \$90 for six weeks of training. In that time, I learned about my eyes, my feet, and my entire body. Unfortunately for my eye situation, I was able to discover that I had bleeding in my retina and I was able to go to a specialist, Dr. Ko, and he stopped the bleeding. Today I can play golf, not good but I can play, and drive my car and do the things that normal people can do without diabetes. I owe that to, again, an education program that was run by diabetes educators and the quality of education was outstanding.

"I'm afraid that the amendments in the S.D. 1 that was put into this bill kind of diluted that insurance of quality. I rely on the word of the good Senator from Maui to revise that portion as far as insuring the quality of the education program to again work toward the standards that we believe that diabetes education is available to all diabetics throughout the State.

"We need to tell the HMOs that prevention is important, not only cure but prevention, so that we can live with this kind of illness in our bodies. Prevention is the way to go, versus waiting until something else happens or furthering other diseases.

"At this time, for the sake of the body, I will not put forward an amendment. Thank you."

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

"Mr. President, I rise to speak in favor of S.B. No. 683, S.D. 2.

"Members, there are approximately 80,000-120,000 people in the State of Hawaii living with diabetes. The good Senator from Waipahu is one of them. It is important, therefore, that we have the best possible education program and access to education that we can. I share that concern with the Senator. I want to assure him and the members of this body that this measure, like most that we will be considering today, are indeed works in progress, and that this Chair will take the concerns expressed by the Senator to heart as the measure moves forward so that when we return a bill to this Floor at the end of April or first of May, that we have the best possible measure that will provide quality education to the greatest number of people.

"Currently, there are only about 25 certified diabetes educators in this State. We have other in training, but there's a severe shortage of this kind of individual. So my commitment to the Senator, and to all of you, is that we will try to craft a measure that will encourage more folks to seek the training to become certified, that the programs will meet national standards, and that we can provide for those 80,000-120,000 persons in our State living with diabetes the access to the

appropriate education that will help improve their quality of life and stave off expensive treatment that this disease can require.

“Thank you, Mr. President.”

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

“Mr. President, I rise in opposition to the bill.

“I don’t think there’s any debate or any discussion about the seriousness of diabetes or many other illnesses. I think, however, the discussion comes in when we start talking about mandates and, particularly, the prepaid healthcare act in Hawaii. And this is really the problem. This bill, this law which became effective in 1974, the only law of its kind in the United States, has done much more than it said it was going to, much more in terms of cost and in terms of providing inferior medical care for growing numbers of people.

“When we talk about quality in service, mandating does not provide quality in service. And in the instance of diabetes, this bill has been bouncing back and forth for a number of years in the Legislature. One of the provisions we had several years ago was that the legislative auditor is to review any new proposed mandate. And by parliamentary maneuvers, the legislative auditor was not kept in the loop and was not provided the information and allowed to do what she is supposed to do on this particular bill.

“Everyone that testified that is in the industry or in the medical profession testified against this bill. And it may be a work in progress, but it is a poor work in progress. I think as Legislators, we should know the answers beforehand, have the plan before we mandate, before we appropriate funds.

“And so, as much as I think we should all be concerned about diabetes and other diseases and illnesses, we have to put a stop to continuing to raise the cost and to add mandates, and what we really have to do is look at the prepaid healthcare act and look for options and choices for individuals.

“One more thing I’d like to say, and that is, the good Senator from Maui was talking about certified trainers. We have an awful lot of people that involved in diabetes education right now but they are not, quote, ‘certified,’ unquote. So now we’re talking about another State requirement in terms of certification, licensing, registration, and regulation, which has not occurred as yet.

“And finally, for this injury, illness, as well as others, the education has been there. The education which is provided by physicians and by others is quality education. Too often, the patients do not take the advice of those that give that information, and for that, no mandate from this Legislature is going to solve the problem.

“So, for these and other reasons, I’m urging a ‘no’ vote, Mr. President. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 743 was adopted and S.B. No. 683, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DIABETES EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

S.B. No. 1532:

Senator Inouye moved that S.B. No. 1532, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Inouye then offered the following amendment (Floor Amendment No. 2) to S.B. No. 1532:

SECTION 1. Senate Bill No. 1532, is amended by amending section 340A-3, Hawaii Revised Statutes, as amended by Section 1 of the bill to read as follows:

“**§340A-3 Disposal of solid waste.** (a) The county agency responsible for the collection and disposal of solid waste may require that all solid waste transported by the county agency, collectors, businesses or individuals be disposed of at facilities or in areas designated by the county agency if it is found to be in the best public interest; provided that agricultural solid waste and source separated waste transported for recycling purposes shall not be subject to the provisions of this section; and provided further that if regional transfer stations are designated, transportation to the stations shall be considered so as to minimize the operating costs of the collector.

The best public interest shall be found if disposal at the designated facilities or areas will:

- (1) Result in reusable materials being recovered from solid waste; or
- (2) Achieve the solid waste volumes necessary to meet a resource recovery facility’s minimum operating requirements; or
- (3) Lessen the demand for landfill sites and encourage the use of alternative technology; or
- (4) Conserve natural resources.

~~(b) [For a county that has a resource recovery facility in use or when the design for such a facility has begun, the director shall not grant a permit for other solid waste disposal activities including landfills, for a term extending beyond the planned operational date for the resource recovery facility unless the other disposal activity is to be used for one or more of the following:~~

- (1) Disposal of ash or residue from a resource recovery facility;
- (2) Disposal of solid waste which, because of its chemical or physical characteristics, is not suitable for processing at a resource recovery facility;
- (3) Provide an emergency backup or overflow capacity for a resource recovery facility;
- (4) Provide for solid waste disposal for those areas not served by a resource recovery facility as designated by the county agency responsible for the collection and disposal of solid waste.]

A county agency may allow solid waste disposal activities, including landfills, above the underground injection control line established by the safe drinking water branch of the department of health; provided county, state, and federal environmental health standards are satisfied in the best public interest.”

Senator Inouye moved that Floor Amendment No. 2 be adopted, seconded by Senator Espero.

Senator Inouye rose and said:

“Mr. President, as for the Senate Floor Amendment on S.B. No. 1532, in the discussions that we’ve had with my colleagues, I felt that additional language should be in the bill as well as an amendment. Therefore, Mr. President, in looking at SECTION 1 in the amendment of the bill that’s before us, I’ve added additional language to the section that addresses ‘The best public interest shall be found if disposal at the designated facilities or areas will,’ we’ve added ‘(3) Lessen the demand for landfill sites’ and included words, ‘and encourage the use of alternative technology.’

"Further, Mr. President, in the bill on page 3, we have deleted the word 'shall' and we have replaced it with, and I'd like to read starting from line 3 on page 3, 'A county agency may allow solid waste disposal activities, including landfills, above the underground injection control line established by the safe drinking water branch of the department of health; provided county, state, and federal environmental health standards are satisfied in the best public interest.'

"Mr. President, at this time, I feel that we have addressed some concerns that my colleagues had put forth. I'd like, for further discussions, that we move this bill forward over to the House for further discussions with regards to the subject matter. Mr. President, it does not delete any of the approval processes approved by the counties and states addressing all the environmental health standards in their best interest. So it's still in the hands of the state and county regulations.

"Thank you, Mr. President."

Senator Ihara rose in opposition to the amendment and said:

"Mr. President, I rise to speak in opposition to this amendment.

"Mr. President, I want to acknowledge that this amendment does improve the bill a bit. The original committee referral was to the Environmental Committee and also the Transportation and Government Operations Committee, and then it was re-referred. We need a rule for that, I think, that would require bills to be referred by the subject matter, because this bill did not have the review of the committee that reviews legislation that impacts the counties.

"This amendment does, I think, address that somewhat because it does not mandate the counties step in and order the counties to approve any application for a landfill over an aquifer. This amendment, however, does not and has not allowed for environmental review of the impacts of this bill and it is for this reason that I am opposed to the amendment.

"The underground injection UIC line, I have the rules and regulations here, the purpose of these rules, it's the administrative rules 11-23-01, was to distinguish and identify those areas where landfills and other waste disposal activities can take place. The State's current policy is to not allow landfills over drinking water aquifers and this amendment, if the amendment passes, would reverse state policy and say that it is okay to site a landfill over our drinking water aquifers.

"In the rules and regulations that I cited, 11-23-03, an aquifer means a geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well, tunnel or spring. The UIC line, as I said, prohibits the siting of waste disposal activities over aquifers and there's a designation, I'll read you the section. It's 11-23-04: The criteria for exempting aquifers from underground source of drinking water – there's a special designation called the underground source of drinking water, they call it USDW – and the rules specifically allow for exemptions. And the exemption, in other words, is that you cannot build over an aquifer at all except an aquifer that does not currently serve as a source of drinking water. Actually, there's a Kunia landfill site that's being contemplated on drinking water aquifers, but whether it's there or anywhere on the island, this bill, amended or not amended, would basically say you can build a landfill anywhere on the island, on any island.

"The site we're talking about and the area, Central Oahu, is not any regular aquifer. This is what EPA calls a sole-source aquifer. And in their letter dated January 15, they're saying, I

quote, 'A sole-source aquifer is defined as an aquifer that supplies drinking water to more than 50 percent of the population and is the only available local or regional source of drinking water.' This designation highlights the importance of this aquifer as a drinking water source that must be protected.

"I know there has been talk about double lining of landfills and so-forth. I'll read you a quote from a letter dated March 1 from the Board of Water Supply: 'We are concerned that chemicals, heavy metals, and other contaminants from the landfill will percolate into the underlying groundwater aquifer and be drawn up by our wells. While we understand that protective liners can be constructed to capture this liche, there is no guarantee that the liners will continue its effectiveness for the life expectancy of the landfill, which is in perpetuity.'

"According to the State Department of Health, liche protection systems are designed to last decades, not centuries. So yes, we'll have protection for a number of decades, maybe even our lifetime, if we're lucky, but my concern is for future generations and on this island and this State, if our drinking water aquifer is contaminated, that will cost hundreds of millions of dollars.

"I should note that all government agencies that are responsible for the safety of our water supply are opposed to this bill and I believe they would be opposed to even this amendment because they are opposed to the siting of a landfill over a drinking water aquifer.

"Mr. President, I'll be voting 'no' on this amendment and if the amendment passes, I will be voting 'no' on the full bill as well. Thank you."

Senator Inouye rose in support of the amendment and said:

"Mr. President, I speak in support of the amendment.

"I also want to recognize that this amendment before us to S.B. No. 1532, whether there is a perception or it is real, does not address identification of any site nor is any TMK identified. So I just want to add that because then I think perhaps this bill would not have passed the Committee, as well.

"Thank you, Mr. President."

At 11:29 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:29 o'clock a.m.

Senator Ihara rose and said:

"Mr. President, I ask for a Roll Call vote on this amendment."

The motion to adopt Floor Amendment No. 2 was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Baker, Chun Oakland, English, Fukunaga, Hogue, Hooser, Ige, Ihara, Kanno, Kawamoto, Slom, Trimble).

By unanimous consent, S.B. No. 1532, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was placed on the calendar for Third Reading on Thursday, March 6, 2003.

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

Senator Kanno moved that S.B. No. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Kanno then offered the following amendment (Floor Amendment No. 3) to S.B. No. 1, S.D. 1:

SECTION 1. Senate Bill No. 1, S.D. 1, is amended by amending section 1 to read as follows:

“SECTION 1. Chapter 394B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§394B- Worker retention. In the event of a divestiture of an industrial, commercial, or other business entity that employs at any time in the preceding twelve-month period more than one hundred employees, the successor employer shall retain at least fifty per cent of incumbent, nonsupervisory employees of the affected establishment.

This section shall not apply to an employer whose primary business function is construction.”

Senator Kanno moved that Floor Amendment No. 3 be adopted, seconded by Senator Kawamoto.

Senator Kanno noted:

“Mr. President, the bill is being amended to affect those businesses with more than 100 employees. Previously, the bill had stated it would affect businesses with more than 50 employees.”

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

“Mr. President, I rise in opposition to the amendment.

“Even though the amendment has reduced the number of employees that would be affected in a successor company from . . . actually it raised it from 50 to 100, it’s still a bad bill. It’s an anti-business bill and what it does is put handcuffs on businesses in terms of their flexibility if they’re in trouble to be able to sell the business, liquidate the business, keep the business going and keep employees employed. No one is going to buy a business, invest in a business, if they have these restrictions. It’s been shown time and time again.

“So the amendment, whether it’s 50, 100, or 150, it’s still the idea, again, of the state government telling businesses what they can and cannot do. It’s a bad bill. It’s a bad amendment. I urge a ‘no’ vote.

“Thank you.”

Senator Sakamoto rose in opposition and stated:

“Mr. President, I also rise in opposition to this amendment.

“As the previous speaker, I’m in opposition to the amendment as well as the original bill, Mr. President. I think there are good intentions on creating safety nets to accept workers who may be jeopardized when the business that employs them falters, but with the way our economy is and potential more problems, it’s sort of taking fibers from the weak bridge that employers and employees are on, spanning to get across in holding our economy in place, taking fibers from that bridge that holds up these employees and placing them down on a safety net in case they fall from the bridge. So the logic here is – let’s weaken the bridge that holds everybody up successfully so we can create a net to catch you if you fall.

“This measure and many, many other measures try to address people if they fall, if they become unemployed, if, if, if . . . but let’s not do it at the expense of the fragile bridge that we’re trying to keep up and float our economy on. A hundred employees, fifty employees, one employee, thousand employees – bad idea!”

Senator Hogue rose to speak against the amendment and said:

“Mr. President, I also rise in opposition to this amendment. I’ll also be voting ‘no’ on the final bill.

“I don’t know much about fibers, but I can tell you that we need to be pro-business. The new Governor said we need to be open for business. This, unfortunately, will start closing some businesses and therefore, I’ll be voting ‘no.’

“Thank you.”

Senator Slom then rose and said:

“Mr. President, Roll Call vote, please.”

Senator Kim requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion to adopt Floor Amendment No. 3 was put by the Chair and, Roll Call vote having been requested, carried on the following showing of Ayes and Noes:

Ayes, 14. Noes, 11 (Chun Oakland, Fukunaga, Hanabusa, Hemmings, Hogue, Ige, Ihara, Kokubun, Sakamoto, Slom, Trimble).

By unanimous consent, S.B. No. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” was placed on the calendar for Third Reading on Thursday, March 6, 2003.

Stand. Com. Rep. No. 866 (S.B. No. 780, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 866 be adopted and S.B. No. 780, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Kanno then offered the following amendment (Floor Amendment No. 4) to S.B. No. 780, S.D. 1:

SECTION 1. Senate Bill No. 780, S.D. 1, is amended by amending section 1 by deleting the amendment to section 386-21, Hawaii Revised Statutes, and replacing it with an amendment to section 386-32, Hawaii Revised Statutes, to read as follows:

“SECTION 1. Section 386-32, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Temporary partial disability. Where a work injury causes partial disability, not determined to be permanent, which diminishes the employee’s capacity for work, the employer, beginning with the first day of the disability and during the continuance thereof, shall pay the injured employee weekly benefits equal to sixty-six and two-thirds per cent of the difference between the employee’s average weekly wages before the injury and the employee’s weekly earnings thereafter, subject to the schedule for the maximum and minimum weekly benefit rates prescribed in section 386-31.

An employee who is not currently receiving temporary total disability or temporary partial disability benefits, but who from time to time requires treatment prescribed by a physician for a

work injury and who cannot reasonably obtain such treatment during non-working hours, shall be entitled to temporary partial disability for time spent obtaining treatment and traveling directly to and from their place of employment for treatment.”

At 11:37 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:42 o'clock a.m.

Senator Kanno moved that Floor Amendment No. 4 be adopted, seconded by Senator Menor.

Senator Kanno noted:

“Mr. President, in discussion with the Chairperson of the Consumer Protection Committee, what was thought to be technical non-substantive amendments really changed the intent of the legislation. What we discussed was reverting back to the original bill language that was found in S.B. No. 780. That’s the amendment we have this morning.”

Senator Whalen rose to speak in opposition to the amendment and stated:

“Mr. President, I stand in opposition to the amendments, and I will keep my comments based on the amendment, not on the merits of the bill. That might be a new thing for this body. (Laughter.)

“The S.D. 1 shifted the payment out of the workers’ comp. As we know, a few years ago, workers’ comp went through tremendous difficulties as employers were being dropped left and right and couldn’t afford their premiums. We tried to do a number of revisions and reforms to make it affordable. This is just one more thing to increase the cost of workers’ comp to employers.

“Now, I’m not excited about even putting it on the prepaid health, however, it seems to be more along the lines of that’s where it should go since we’re talking about an ongoing health-type issue getting to and from work. I’m not speaking to the merits of the bill, but by sticking it back on the workers’ comp, it would do nothing but raise the cost of that, and I think it’s a step in the wrong direction.

“Thank you.”

Senator Sakamoto rose and inquired:

“Mr. President, I guess I’d like to ask the Chairs to clarify if indeed what the previous speaker said is the correct interpretation of what this amendment does.”

At 11:44 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

Senator Kanno rose to reply:

“Mr. President, in the S.D. 1, the changes are made to Section 386-21 as compared to Section 386-32 in the original bill. The S.D. 1 also handles the travel time differently than in the original legislation.

“Thank you.”

Senator Sakamoto rose with reservations and said:

“Mr. President, with those concerns, I rise to speak with reservations.

“Sometimes things are technical but indeed do change cost structure, and who pays? There’s a critical balance in how do we protect workers. Yet, with concerns over changes and who pays for travel time should the provider end up being in Las Vegas, who pays?

“There are concerns, so, with reservations, Mr. President.”

Senators Hogue, Hemmings, Slom and Trimble then requested their votes be cast ‘No.’

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried with Senators Hemmings, Hogue, Slom, Trimble and Whalen voting “No.”

At 11:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:49 o'clock a.m.

Senator Kanno then moved that Stand. Com. Rep. No. 866 be received and placed on file, seconded by Senator Menor and carried.

By unanimous consent, S.B. No. 780, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEMPORARY PARTIAL DISABILITY,” was placed on the calendar for Third Reading on Thursday, March 6, 2003.

Stand. Com. Rep. No. 879 (S.B. No. 1263, S.D. 2):

Senator Kawamoto moved that Stand. Com. Rep. No. 879 be adopted and S.B. No. 1263, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Sakamoto then offered the following amendment (Floor Amendment No. 5) to S.B. No. 1263, S.D. 2:

SECTION 1. Senate Bill No. 1263, S.D. 2, is amended by amending section 3 to read as follows:

“SECTION 3. Section 103D-104, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read:

““Electronic bidding” means the solicitation and receipt of offers for the procurement of goods, services, and construction by which offers may be accepted and contracts may be executed through an electronic procurement system.”

SECTION 2. Senate Bill No. 1263, S.D. 2, is amended by deleting sections 2 and 4 and renumbering the remaining section numbers in the bill accordingly.

Senator Sakamoto moved that Floor Amendment No. 5 be adopted, seconded by Senator Kawamoto.

Senator Sakamoto noted:

“Mr. President, the amendment removes the portion of the bill that talks about a reverse auction. A reverse auction, the way it’s been explained to me, is someone can bid \$10,000 to provide this service or product for government and it’s on the Web and somebody else can then say \$9,900, and the second before bid closing, someone else can then say \$9,800. That’s very much different from the present way we do business where you present your sealed bids at 10:00 and the various providers

get to provide their bids in a closed-bid fashion and may the lowest bidder, responsible bidder win.

"I believe if we change to the reverse auction, we will find that many of the services that we currently get will be given to, yes, the lowest bidder, but, ultimately, certain bidders can drive others out of the market by continually underbidding them until there are not many competitors left. So for the businesses in our State and for the good of fair, ethical government, I propose that we move with the amendment, Mr. President.

"Thank you."

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

Senator Sakamoto moved that Stand. Com. Rep. No. 879 be received and placed on file, seconded by Senator Kawamoto and carried.

By unanimous consent, S.B. No. 1263, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PROCUREMENT," was placed on the calendar for Third Reading on Thursday, March 6, 2003.

S.B. No. 42, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Fukunaga and carried, S.B. No. 42, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATERCRAFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1245:

Senator Sakamoto moved that S.B. No. 1245, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Kanno requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1245, entitled: "A BILL FOR AN ACT RELATING TO THE EVALUATION OF TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 840, S.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 840, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

S.B. No. 1080, S.D. 1:

Senator English moved that S.B. No. 1080, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Mr. President, I rise in opposition to this measure.

"Mr. President, I cannot support a bill that will place another burden on already beleaguered small businesses in our State. While the efforts to protect the sanctity of our State's environment are commendable, such efforts cannot be undertaken at unfair expense to business owners.

"The original law allows small businesses, when there's an infraction, that small business who has corrected the violation within a minimum of 30 days and the violation was unintentional, or a result of excusable negligence, or because of misunderstanding, they were allowed not to be penalized. What this bill does is say even if the small business corrected the violation, even if the violation was unintentional or the result of excusable neglect, or there was a misunderstanding, even if that, after they're down on their knees, kick them in the back anyway.

"I don't think that's a good policy, Mr. President, so I encourage our members to vote 'no.'"

The motion was put by the Chair and carried, S.B. No. 1080, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Sakamoto, Slom, Trimble, Whalen).

S.B. No. 616:

Senator Hanabusa moved that S.B. No. 616, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak against the measure as follows:

"Mr. President, I'm going to be voting 'no' on this bill.

"I have voted 'no,' previously, with the establishment of the bill, not because I support hate crimes, but because I do not support legislation which we continue to add to and we seem to pick different candidates or different proclivities each session. But we could clear up the whole thing by just saying gender identity to apply to everyone. And yet this bill, in fact, does not apply to anyone and everyone. If one protected group happens to do the same kinds of activities against a non-protective group, then we don't have the hate crime bill coming into play.

"I think that we should be equal, if we're talking about real equality, and include gender identity. Until we do, I'll continue to oppose it.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 616, entitled: "A BILL FOR AN ACT RELATING TO HATE CRIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Whalen).

S.B. No. 617:

Senator Hanabusa moved that S.B. No. 617, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I rise in opposition to this particular bill.

“Members, you may remember that this past election cycle we had a constitutional amendment regarding information charging. It was number three. The voters overwhelmingly supported it, voting yes on three. And yet, because there were some concerns, I guess, some legal concerns regarding that particular vote, this bill has been put forward trying to set up a task force to convene the judicial council.

“The Judiciary, by the way, is against this particular bill. So they want to convene the judicial council. The Judiciary is against that. The Judiciary says they are there to advise about administrative matters and yet we want them to set policy. The prosecuting attorney is against this bill. He says, ‘let’s just get on with it. The people have voted. We need to get on with the procedures.’

“For these reasons, I will be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, S.B. No. 617, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL OFFENSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Whalen).

At 11:57 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o’clock a.m.

S.B. No. 29, S.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 29, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL WASTES RECYCLING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 11:59 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o’clock a.m.

S.B. No. 1611:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 1611, entitled: “A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 538, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 538, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 958, S.D. 1:

Senator Menor moved that S.B. No. 958, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

“Mr. President, I rise to speak in support of S.B. No. 958, S.D. 1.

“Mr. President, this bill expands the practice of pharmacy to include the dispensing of emergency contraceptives, in accordance with a collaborative agreement approved by the Board of Pharmacy, between a physician and an appropriately trained pharmacist. Access to emergency contraceptives is critical during the first 72 hours after unprotected sex. It is vital that a woman be able to access this medical option in order to prevent an unwanted pregnancy.

“Currently, emergency contraceptives must be administered by a physician, which can limit accessibility because women may not have an established provider upon whom they may call. And, if emergency contraceptives are needed during the evening, weekend or on a holiday, it can be equally difficult for a woman to reach her doctor and secure a prescription within the critical 72 hours.

“In 2002, Healthy Mothers, Healthy Babies Coalition of Hawaii conducted a survey of access to Emergency Contraception in Hawaii. The survey concluded that only 56 percent of family planning clinics and none of the 14 private pregnancy/counseling organizations were able to provide EC within the 72-hour time frame. In addition, only 10 percent of emergency rooms were able to provide access to EC within that critical 72 hours.

“Expanding the practice of pharmacy under the pharmacist licensing law, to include the dispensing of emergency contraceptives, will allow women to have adequate, and timely access to the medical treatment they need, especially on nights and weekends when a physician may not be available. Additionally, it will reduce health care costs, reduce unwanted pregnancy and provide options to a woman who may have been abused or assaulted.

“I urge my colleagues to join me in supporting this important measure which is part of the women’s coalition legislative package. Mahalo.”

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

“Mr. President, I rise in opposition to the bill.

“Mr. President, this issue is not new. We’ve heard it for a couple of years now. The testimony was quite clear that doctors would not prescribe these emergency contraceptives because of the chance of severe medical reactions or health reactions that women could have by taking these pills.

“Now we’re going to give the pharmacists, without any training in actual medicine, to give these to a woman who, by the very definition that we just heard, probably has not seen a doctor at all or doesn’t have any sort of relation with the doctor, and just give these pills without any sort of background, experience, anything else, and just giving it to them across the counter. This could be abused by some as a type of contraception, period – in other words, regular use of taking these instead of other forms of contraception.

“Mr. President, this is not a good decision to pass a bill like this to allow people to obtain what could be very detrimental drugs to their body without any sort of review process in terms of what’s happening to them, how is it going to affect their health, how frequently are they using this. Doctors won’t give these because of the liability nature. Yet, we’re going to let pharmacists do it.

“In our zeal to provide people a way to not get pregnant, I think we’re compromising our health standards in this State and I’ll be voting against it.”

The motion was put by the Chair and carried, S.B. No. 958, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PRACTICE OF PHARMACY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Aduja, Hemmings, Slom, Whalen).

S.B. No. 1589, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1589, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 608 (S.B. No. 345, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 608 be adopted and S.B. No. 345, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Sakamoto rose to speak in support of the measure and said:

“Mr. President, I rise in support and I have remarks that maybe can be inserted into the Journal.

“Basically, this will deter auto theft and fraud, and encourage doing things the right way, Mr. President.”

The Chair having so ordered, Senator Sakamoto’s remarks read as follows:

“Mr. President, I rise in support of S.B. No. 345, S.D. 1, which provides that any person who sells three or more vehicles within a calendar year shall be considered a dealer subject to the Motor Vehicle Industry Licensing Act.

“Mr. President, I agree with the car dealers who testified in support of this measure when they stated that this measure would clearly define who should be considered a motor vehicle dealer and who is not, and enhance the Department of Commerce and Consumer Affairs’ ability to enforce this statute.

“In Hawaii, there is currently no limit to the number of vehicles an unlicensed individual may purchase and subsequently offer for sale to the general public. At least nine other states, which include Alaska, Arizona, Colorado, Florida, Georgia, Illinois, New York, Texas, and Washington, enforce vehicle limits.

“The passage of this measure should deter auto fraud and encourage those unlicensed individuals to become licensed, holding them accountable for selling a vehicle which is legitimately registered and titled.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 608 was adopted and S.B. No. 345, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 614 (S.B. No. 38):

Senator Hanabusa moved that Stand. Com. Rep. No. 614 be adopted and S.B. No. 38, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

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

“Mr. President, I rise in opposition to the bill.

“Mr. President, this is the first of several bills we’ll be discussing today. They all have one thing in common – they ask for attorneys outside of the Attorney General’s Office. This is not a new problem. We have discussed it for years. And for years, there probably was a reason to go outside the Attorney General’s Office – sloppy work, ill-prepared attorneys, non-responsiveness, and so forth.

“At the hearing, the example that was used by the Hawaii Tourism Authority was a particularly glaring example of how the Attorney General’s Office, the former Attorney General’s Office had not performed and had delayed and did not have the expertise to look at contracts. However, we have a new attorney general now. We have no less an expert than the head of the Senate Judiciary Committee who had complete confidence and faith in the new attorney general and his work ethic and his ability to get the job done.

“So, instead of going in addition to the 175 practicing deputy attorneys that we have in the State’s largest law firm, and encumbering more funds from the taxpayers, we should require that all of these departments go to the attorney general, and if there is a problem, then we hold the attorney general’s feet to the fire and make changes at that time. But to carte blanche, give additional attorneys to the HTA, to the DOE, to every organization that comes forward here would be costly and would circumvent the real purpose of the AG’s Office.

“I urge a ‘no’ vote. Thank you.”

Senator Kim rose to speak in favor of the measure and said:

“Mr. President, I rise to speak in favor.

“Mr. President, currently, the process allows for different departments to go to the attorney general to ask for attorneys in a situation when they may not be in a position to be able to help the agencies in a particular contract. And this is true with the Hawaii Tourism Authority.

“With the Hawaii Tourism Authority, if you know some of their contracts that they have to deal with – with the NFL, with the PGA, with the Hawaii Visitors and Convention Bureau – these are very unique kinds of contracts and there may not be the kinds of resources in the largest attorney firm in this State.

“Recently, when the HTA went to the AG’s Office to request for a list of attorneys, which is part of the process, it took the Attorney General’s Office one month, in fact, over one month to just provide the list of qualified attorneys on the list so that

they (HTA) could then hire an attorney. Because of that, there have been delays. Currently, as we speak now, there is no signed contract between the HTA and the HVCB. We are in March. Their contract ended December 31 of last year. There is no contract signed. Part of that is because of this delay; part of that is because of the incompetence of some of the attorneys in the Attorney General's Office. I'm not faulting the attorney general himself, but there are problems in any large firm.

"All HTA is asking is that they be allowed, when they see fit, to go out and hire attorneys without having to go through the red tape and the bureaucracy that we all are not in favor of.

"So, they will not be using any additional state funds. They have their own funds in their special funds from HTA funds. So, in that case, I think that they should be allowed to be able to do that.

"Thank you."

Senators Ige and English requested their votes be cast "aye, with reservations," and the Chair so ordered

The motion was put by the Chair and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 38, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Hooser, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 615 (S.B. No. 1002):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1002, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Baker, English).

Stand. Com. Rep. No. 618 (S.B. No. 1415):

Senator Hanabusa moved that Stand. Com. Rep. No. 618 be adopted and S.B. No. 1415, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Sakamoto rose to speak with reservations on the measure and said:

"Mr. President, I rise to speak with reservations on this measure.

"This measure proposes to allow penalties to violators, and I'm not trying to help violators, except this bill says after written or verbal notification from the department. So my concern, Mr. President, is that many times something may be going wrong and someone says, 'Hey, no can do that!' 'I beg your pardon?' I said, 'No can do that.' 'Excuse me?' And then the next thing you know, you get slapped with \$2,000 a day.

"I hope the measure gets revised so that in addition to verbal, we perhaps need some other clarification or a better way to not let loose language get in the way. We need to communicate clearly.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 1415, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 620 (S.B. No. 792, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 620 be adopted and S.B. No. 792, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

"Mr. President, I rise in opposition to this bill.

"This bill is similar to one we just passed a little while ago in terms of the emergency contraceptives with pharmacists. As the good Senator from the Big Island had pointed out, the problem there is that you've got malpractice insurance involved. Now we're saying in this bill that we're going to prohibit the insurers from discriminating, which means looking at the facts and the concerns involved in various actions.

"We're also saying that we are going to encourage these collateral agreements and collegial agreements. I think past experience has shown that physicians are very wary of entering into the agreements because they are the ones that are paying the malpractice insurance.

"The real problem here is malpractice insurance. We don't solve that problem by increasing liability and then telling insurers that they can't surcharge for that or they can't take that into consideration.

"So, we're looking at the problem from the standpoint of the symptom rather than the cure. I urge a 'no' vote.

"Thank you."

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

"Mr. President, I rise to speak in support of S.B. No. 792, S.D. 2.

"I have some written remarks that I would like inserted in the Journal, but I believe it's important to address some of the concerns that the good Senator from Hawaii Kai raised.

"First of all, this does not expand the scope of practice of advanced practice nurses. And I would also note that advanced practice registered nurses also have to carry liability insurance.

"All this measure does is to prohibit insurance companies from surcharging physicians who happen to have a collaborative relationship with the advanced practice registered nurse. It's actually a restraint of trade or tantamount to restraint of trade and that's what your Committee found when we heard this measure.

"It's a good bill. It fulfills the mandate that the 1994 Legislature provided when it gave limited prescriptive authority to advanced practice registered nurses. It simply says that an insurance company cannot penalize either the nurse or the

physician for other collaborative arrangements that are legal under the law.

“Thank you, Mr. President.”

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Mr. President, I rise to speak in support of S.B. No. 792, S.D. 2, which prohibits malpractice insurers from imposing a surcharge or discriminating against a physician who enters into a professional collaboration with an advanced practice registered nurse (APRN).

“In 1994, the Legislature gave APRNs limited prescriptive authority. This came about in response to the unmet need for medical practitioners in mostly rural medically underserved communities. The Board of Medical Examiners subsequently promulgated rules that required the establishment of a collegial or collaborative relationship with a physician in order to prescribe medication.

“It is not uncommon for a physician who collaborates with an APRN to be assessed a surcharge for malpractice insurance simply because of that physician’s collaboration with the APRN. Note that each APRN carries malpractice insurance too. These insurance company practices have created long-standing problems for APRNs in numerous states. Physicians are forced to either pay the surcharges, or have their malpractice insurance coverage canceled. Such surcharges are tantamount to restraint of trade on the part of the insurance carriers.

“Without the collaborative relationship, the APRN cannot provide the health care services that they were authorized to perform by the 1994 Legislature. In the eyes of your Health Committee, this indeed constitutes restraint of trade. By creating this atmosphere of fear among physicians regarding collaboration with an APRN, the insurance companies have undermined the efforts of the Legislature to provide much needed medical services to underserved communities. This measure does not increase the scope of practice of the APRN, it merely prohibits the collaboration surcharge. By prohibiting discrimination of insurance companies against physicians who would otherwise collaborate with APRNs, this measure will allow APRNs to continue to provide the type of care the 1994 law meant for them to provide. I urge my colleagues to join me in supporting this important measure.

“Mahalo.”

Senator Hemmings rose to speak against the measure as follows:

“Mr. President, I rise to speak against this legislation.

“What this bill says, or does not say, is that the doctor cannot be sued. And unfortunately, as the good Senator from Hawaii Kai did point out, the real problem in malpractice law is the malpractice law that has open season on doctors and everyone else.

“Until we make those changes, this does not make sense. Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 792, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

S.B. No. 1320, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1320, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL SAVINGS ACCOUNTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 630 (S.B. No. 658, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 630 be adopted and S.B. No. 658, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I have some remarks in support of this measure I’d like inserted into the Journal. Thank you.”

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Mr. President, I rise to speak in support of S.B. No. 658, S.D. 1, which authorizes non-religious hospitals to provide emergency contraception to sexual assault survivors. Of the more than 300,000 women who are sexually assaulted each year in the United States, an estimated 25,000 will become pregnant. Women who have been sexually assaulted have a compelling need for quick and easy access to emergency contraception.

“Sexual assault survivors are under extreme physical and mental trauma. Female survivors of sexual assault also face the additional stress of unwanted pregnancy. Currently, emergency contraceptives are a part of the treatment protocol for identified victims of sexual assault. However, many victims fear being publicly shamed or blamed for the assault and it is for these reasons that they choose not to identify themselves. Yet, it is important that these women be offered the same type of protection from an unwanted pregnancy as identified victims, because the threat of pregnancy remains the same for both women.

“Emergency contraception has been shown to be safe and effective. It is important that the survivors of sexual assault be allowed to gain access to the medical options available to them. Every effort should be made to help victims of sexual assault, in order to allow them to begin to rebuild their lives.

“I urge my colleagues to join me in supporting this important measure.

“Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 630 was adopted and S.B. No. 658, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEX ASSAULT SURVIVORS IN EMERGENCY ROOMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:14 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o’clock p.m.

S.B. No. 11:

On motion by Senator Sakamoto, seconded by Senator Kawamoto and carried, S.B. No. 11, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY PUBLIC SCHOOL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1061, S.D. 1:

Senator Chun Oakland moved that S.B. No. 1061, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Hogue rose in support of the measure with reservations and stated:

"Mr. President, I rise to speak in support of this bill with reservations.

"This has to do with announced or unannounced visits. It certainly is a very contentious issue and I have certainly heard good arguments both ways.

"However, the Department of Health is saying that they can really handle this better through administrative rules. We have a new director of the Department of Health. I believe that we should allow them time to see if that is in fact true.

"Therefore, I certainly encourage us to look at the process, listen to the Department of Health, and if it turns out that they can do this better, we may not need this bill at the end of this Session.

"Thank you."

Senator Sakamoto rose in support of the measure with reservations as follows:

"Mr. President, I rise in support with reservations.

"I believe care for our elderly through the adult care homes is something we want to encourage and I would hope that we can work better with the industry involved so that their concerns can be addressed as we go forward."

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

"Mr. President, I have some remarks in support of this measure I'd like to have inserted into the Journal. Thank you."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 1061, S.D. 1, which codifies licensing qualifications and personnel, staff and family requirements for Type I and Type II adult residential care homes (ARCHs) and expanded adult residential care homes. In addition, this bill will allow unannounced annual inspections of ARCHs during or outside of normal business hours.

"According to the State Long-Term Care Ombudsman, there are 8,400 elders living in licensed nursing homes, assisted living facilities and adult residential care homes. These homes and facilities provide care and services for some of our frailest elderly who are no longer capable of caring for themselves.

While these caregivers provide a much-needed service for our elderly, we must continue to do everything we can to ensure a quality standard of care.

"Within the past few months, we've seen the results of abuses that this bill and others are designed to deter. In 2002, a care home operator was convicted of manslaughter and on January 10th of this year another care home operator was arrested on charges of abuse and neglect. Under current law, the Department of Health is required to give advance notice to conduct an annual inspection of a care home. Annual unannounced inspections of Adult Residential Care Homes and Expanded Adult Residential Care Homes would help to ensure that our elders receive the quality care they so rightfully deserve.

"This bill is not intended to cast aspersions on the care home industry, which provides an important service in the long-term continuum of care. Rather, it is intended to correct a deficiency in current law and practice. Care homes are the last of the residential long-term care facilities to have unannounced visits. S.B. No. 1061, S.D. 1, is needed to ensure proper oversight and to protect our frail elderly, who may have no family to look out for them and may not be able to access the Ombudsman or another advocate should abuse or neglect occur.

"It is not our intent to make care home management an onerous duty. But we must give the department this capability to ensure that all care homes are capable of providing the level of care they have promised to provide. And we as a Legislature must also make sure that the department takes this duty seriously, because the well being of our seniors are at stake.

"Hawaii's senior citizens have contributed much to the success of this State. We must assure them that we will see to their well being in the later, and more vulnerable, years of their lives. For these reasons, I urge my colleagues to join me in supporting this important measure. Mahalo."

Senator Espero rose and said:

"Mr. President, please note my vote with reservations. Thank you."

Senator Menor rose in support of the measure with reservations and stated:

"Mr. President, I'd like the Clerk to note that I will be casting an 'aye' vote with reservations."

Senator Kawamoto then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1061, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

S.B. No. 1505, S.D. 1:

Senator English moved that S.B. No. 1505, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:19 o'clock p.m.

Senator Hogue rose to speak in favor of the measure as follows:

“Mr. President, I rise to speak in favor of this bill, particularly an amendment that was added to help attack the green monster, *Salvinia molesta*, as you may have heard it called.

“I want to acknowledge the help from the Senate President’s Office and also the good Chair of Energy and Environment. Thank you very much for advancing this.

“Certainly, we need to get out there and do the best we can to attack the green monster. I know that the state is really moving forward on that particular issue out at Lake Wilson with help from the city and county and the federal government. Over at Kawai Nui Marsh we have also gotten involved as a community as well to fight the *Salvinia*.

“So we appreciate the efforts of the Legislature to pass through this measure which will outlaw the sale, importation, or distribution of *Salvinia molesta* and allows the opportunity, if there are other invasive species, to be added to the list as well.

“Thank you very much.”

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

“Mr. President, I rise in support of this measure.

“Mr. President, this is truly a bipartisan approach. We worked very closely with our Minority, as well as other interested parties.

“Mr. President, this bill deals with invasive species in two very distinct ways. The first, as the good Senator just reiterated, saying that it bans the sale of this ‘green monster’ in Lake Wilson, the *Salvinia molesta*. But it also does other things and it codifies the Hawaii Invasive Species Council that was created by Executive Order 2002-03. It also gives this council, which is made up of various department heads, the ability to act quickly and swiftly when there’s an invasive plant, animal, or species within Hawaii. It allows them to add, as an interim measure, to the Department of Agriculture’s list of banned plants, animals and species to immediately add an organism to that list. And it gives them a one-year extension to then go through the Chapter 91 rule making process.

“So, what we’re trying to do is take a holistic approach to all of the invasive species that are coming into Hawaii and allowing the administration a first-strike response mechanism. I’ll also note that this has no financial implications because it is using existing resources. It just helps to more efficiently and wisely use existing resources.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 1505, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 302:

Senator Kawamoto moved that S.B. No. 302, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

“Mr. President, I rise in opposition.

“Mr. President, I believe this bill would create undue paperwork and have additional cost to the vehicle registration department, therefore outweighing the potential benefit of this bill.

“Thank you.”

Senators Ihara, Kim, Baker, Ige and Fukunaga requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 302, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (English, Hooser, Trimble, Tsutsui).

S.B. No. 460:

Senator Kawamoto moved that S.B. No. 460, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Tsutsui rose to speak in opposition and said:

“Mr. President, I rise in opposition, noting the testimony from the Department of Transportation.

“Thank you.”

Senator Kim requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 460, entitled: “A BILL FOR AN ACT RELATING TO DUNE BUGGIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Baker, English, Fukunaga, Inouye, Tsutsui).

Stand. Com. Rep. No. 655 (S.B. No. 248, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 655 be adopted and S.B. No. 248, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to the bill.

“What the bill basically does is remove the cap on the special fund for the convention center to allow more money to go into this special fund and less money to go into the general fund. So it will cause additional problems with our budgeting, number one. Number two, it raises the cap from the current \$31 million to \$34 million.

“We know how much it cost to build the center, the convention center. We know how much it cost to operate the center. All we know is that it is probably the most underutilized convention center in the United States and we’re pouring a great

deal of money into this. We're diverting funds from it. And the fact that it's gone through three drafts shows you that we have a difficult time with this measure, and I don't think this bill should be passed.

"Thank you."

Senator Kim rose to speak on the measure as follows:

"Mr. President, just for clarification, it doesn't allow more money to go into the fund."

The President interjected:

"Senator, are you rising in support of the measure?"

Senator Kim responded:

"I'm sorry. I rise to speak in favor.

"The percentage that goes to the convention center for the TAT is already set. That money already goes into the special fund. What it won't allow is any leftover monies over and above the cap to go into the general fund. So, that money is already there.

"The convention center, and we are proud of that convention center, right now, \$31 million has a cap that we put on the convention center. That is not enough money to maintain the convention center if there's any major repairs to upkeep that convention center. Right now they're at the limit. So, all this does is raises the cap to \$35 million to allow them, if in fact they need to make those repairs.

"Right now, the fund has not had any additional monies anyway to go into the general fund, so the general fund wouldn't be gaining or losing any money.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 248, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 657 (S.B. No. 1461):

Senator Taniguchi Stand. Com. Rep. No. 657 be adopted and S.B. No. 1461, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose in opposition to the measure and stated:

"Mr. President, I rise in opposition to this bill.

"The bill requires each county to earmark 2 percent of their TAT revenues for the purpose of tourist promotion and visitor industry enhancement. I don't like mandatory bills or mandates in the first place. I don't like bills that take power away from the counties in the second place. And in the third place, the counties, in their wisdom, may want to earmark 2 percent, or 3 percent, or 5 percent for something else other than tourism promotion and visitor enhancement, and by this bill, we're not allowing them to do that.

"Thank you."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against this legislation.

"Mr. President, I want the record to reflect I did sign this bill. But after further examination and addressing the county home rule issue, I will be voting against it."

Senator Kim rose to speak on measure as follows:

"Mr. President, our visitor industry is one of our most important sources of revenue for our State, so it is critical that we be sure to have enough funds for the many programs to support tourism and promotion."

President Bunda interjected:

"Senator, are you rising in support?"

Senator Kim replied:

"I'm rising in support, thank you, Mr. President.

"Let me just point out that the counties already do play a meaningful role in promoting and supporting tourism. And while I support home rule, they are using the TAT funds for the balancing of their budget. Therefore, a 2 percent earmarking of the TAT funds should not be burdensome because many of them are already spending money to support tourism.

"Since the amount of revenues generated by the TAT is directly related to the number of visitors, it is appropriate for a mere 2 percent – and this is just a minimum, they can provide more monies if they so choose – should go to further that purpose, Mr. President.

"Enhancement of visitor industry programs can lead to more visitors, and in turn it will lead to an increase of the TAT revenues. So I believe this is a win/win situation.

"Thank you."

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

"Mr. President, I rise in opposition.

"The last speech totally misses the point. The point is that we should not be telling the counties how to spend their money, and that is the issue – not whether or not we should spend money on tourism or tourism promotion, but should we be telling the counties what to do in their budgets. I know all of us don't like it when the federal government tells us what to do or how to do it, especially when they don't give us the money to do it with. And I see no difference between that relationship and us and the counties in terms of telling them how to spend their money."

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

"Mr. President, I rise in opposition to this measure.

"Along some of the same lines that some of my colleagues have stood to speak in opposition to S.B. No. 1461, basically, when the counties were given the transient accommodations tax or a percentage of it, it was to replace the grant-in-aid that the state had always provided to the counties. And there were no strings attached to those funds. In addition, we, the Legislature, used TAT funds to fulfill the constitutional mandate when we

transferred active parks to the counties. When we move a responsibility from state to county jurisdiction, we have to provide a method of funding that activity.

"My county provides more than 2 percent of its transient accommodations tax share for tourism promotion, and I think that's because the county has determined that tourism is our number one industry and it's something we need to promote. But I share the concern that this goes against county home rule. I think our counties are capable of making those determinations.

"Tourism is very important. We all need to promote it. We all need to support it. But I don't believe this bill is the correct way and that's why I'm voting 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 1461, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Baker, Hemmings, Hogue, Hooser, Ige, Ihara, Slom, Trimble, Whalen).

At 12:31 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:33 o'clock p.m.

Stand. Com. Rep. No. 658 (S.B. No. 1533, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 1533, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 659 (S.B. No. 319, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 659 be adopted and S.B. No. 319, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I'd like to rise in opposition to the bill.

"We're all in favor of recycling and we all want to do a better job of taking care of the resources we have right now. Unfortunately, this bill makes things worse. What it does require that Honolulu have a food waste recycling requirement. It doesn't specify the amount of the count. It does provide for a surcharge, which is going to be passed on to businesses and then on to consumers. Here we're talking about landfills and waste and it doesn't tell where the additional waste is going to be processed or where it's going to be put.

"For all of those reasons, it's a bad bill and we should not support it. Thank you."

Senator Kim rose to speak in favor of the measure and stated:

"Mr. President, I rise in favor. I wasn't going to speak but I feel moved to speak.

"Mr. President, even though our previous Senator from East Honolulu said that this requires Honolulu to have a food waste program, for your information, they already have one. The city council passed a food wet waste bill a couple years ago when I was on the city council.

"In spite of that, Mr. President, in 2001, the total food waste for Oahu was 134,500 tons. And of that, of that, only 47,000 tons were diverted, even though the city already had a food waste requirement. That means 86,600 tons went into Waimanalo Gulch, went into our landfill, took up the space of the landfill when it could have been recycled.

"This does not even match the state's diversion goal. Mr. President, this state said, by the year 2000, this state should be at least at 50 percent of the diversion. As of 2001, that figure was a dismal 32 percent – 32 percent in the year 2001 when we should have been at 50 percent in 2000. The counties need to be more vigilant in their program and this only affects Honolulu county. Also, we at the state need to be more vigilant.

"Our schools that generate food wet waste should be recycling. According to Patricia Hamamoto, our school superintendent, she admits that most of the food waste from the schools is already being recycled in various ways, including farms, recycling plants and composting, taken from her testimony. And yet, they oppose the bill. I can't understand why. I think food recycling should be used as an example to teach our students the valuable lessons about our finite resources and about recycling.

"This bill will also ask that the hospitals also be required to recycle their food waste.

"The counties already charge a recycling surcharge, Mr. President. Twelve percent of the tipping fees is already being charged by this county. Every time a ton of waste goes into the landfill, there's a 12 percent fee on top of that for recycling. Where does the money go? I'm not sure.

"Right now, the tipping fee for the state is at approximately \$79 a ton. On top of that, you pay the 12 percent recycling fee, plus a 35 cents recycling fee by the state. The state already charges a 35 cents recycling fee. So that comes up to approximately \$87 for tipping fees. Now the fees are going to go up as of 2003. The fee will increase from \$72 a ton to \$78 a ton. In 2004, the tipping fee will be raised to \$84 a ton. Again, on top of that, you add the 12 percent surcharge and the 35 cents per ton surcharge.

"Since the waste disposal charges are determined by tonnage instead of volume, it is to the benefit of schools and benefit of businesses to recycle the heavy wet waste. And it is possible that the cost for disposal into the landfills will become much more expensive than recycling because of the increase of tipping fees as the years go on.

"Businesses already include wet waste disposal as a business expense. The city law also allows for businesses to be suspended from food waste requirements if the cost of recycling is more than the cost to dispose of the materials.

"So, Mr. President, I believe that this law only goes to further and to help us recycle and will help businesses. It gives them a way out if it costs them more, and there are measures in the bill that if there is no recycling available in that county, that they do not recycle.

"Thank you."

Senator Slom rose again in opposition and said:

“Mr. President, I would just like to thank the good Senator from Kalihi. It’s amazing that she wasn’t going to give a speech, but she had several pages just handy there.

“I think what she has done is reinforce my opposition to the bill by talking about the fees that are already in place, separate from this bill, which will add additional fees. We already have, from my understanding, the highest cost tipping fee in the United States, which is going to go higher.

“I think what we should all do is be looking for alternatives and options, like the good Senator from Kaneohe, the Minority Floor Leader, who has used restraint and has reduced his food intake. Maybe that’s the answer, rather than more charges.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 319, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Fukunaga, Hemmings, Hogue, Ige, Slom, Whalen).

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

The Senate reconvened at 1:23 o’clock p.m., with the Vice President in the Chair.

Stand. Com. Rep. No. 662 (S.B. No. 848):

Senator Taniguchi moved that Stand. Com. Rep. No. 662 be adopted and S.B. No. 848, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

“Madame President, I rise to speak against S.B. No. 848.

“This bill asks for \$500,000 from a special fund to do a study regarding the development of alternate energy sources on Kahoolawe. It will only benefit one firm and it will not put in one solar panel, any batteries, no windmill, or hydrogen power, or anything else to create energy. All it does is spend a huge amount of money on a study.

“I think there is an alternative and I hope this bill survives the process and goes to Conference. I think the prudent thing to do is to allocate the money directly to an agency such as the Department of Land and Natural Resources and tell them to put in solar panels or some other renewable source of energy. It would be much more prudent use of the money than a study.

“Thank you, Madame President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 848, entitled: “A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOOLAWA,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Ihara, Menor, Whalen).

Stand. Com. Rep. No. 665 (S.B. No. 1517, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 665 and S.B. No. 1517, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 667 (S.B. No. 14, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 667 be adopted and S.B. No. 14, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in favor of the measure with reservations and said:

“Madame President, I rise to speak in favor of this bill with reservations.

“This bill puts forth an emergency short term solution to our need for school administrators. Colleagues, I’m sure you’re aware that we really are facing a crisis in the coming years with regards to school administrators. What we really need to do is look for ways to recruit people to come in to this very important field and look for ways to retain them.

“I’m not sure if this is the impetus that we need to go towards. Besides the obvious problem of double dipping, there are many other concerns. So I think if we could move forward with the idea that we’re going to look towards recruitment and retention, rather than just hiring people that have been away for a year, we could actually be finding ourselves in the right direction and doing some good things for the future of our children.

“Thank you, Madame President.”

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

“Madame President, I rise to speak in opposition to this measure.

“Madame President, this is just a band-aid to a fundamental problem that the department has had. The amazing thing is the personnel office in the Department of Education knew that they would have an administrative shortage back in the 1980s and did absolutely nothing to address it. This is just another one of the DOE’s proposals to place a band-aid on a fundamental problem that they have refused to address.

“So, I really don’t think that this will help anything. I do believe it would actually have the opposite effect of encouraging people to retire sooner rather than later.

“As you can see, there are a number of bills that address principals and administrators in the system and I just believe that we need to have a comprehensive strategy and program for school administrators to ensure that we can deal with this shortage.

“For all of those reasons, I’ll be voting ‘no.’”

Senator Sakamoto rose to speak in support of the measure and stated:

“Madame President, I rise in support of the measure.

“I agree with the concerns of the two previous speakers, and unfortunately, a band-aid is better than an open wound. So, we just hope that in short time we can heal the wounds.”

Senators Ihara and Baker then requested that their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 667 was adopted and S.B. No. 14, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REHIRING RETIRED SCHOOL ADMINISTRATORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Fukunaga, Hemmings, Ige, Slom, Trimble). Excused, 2 (Bunda, Menor).

Stand. Com. Rep. No. 669 (S.B. No. 17, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 669 be adopted and S.B. No. 17, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hanabusa requested her vote be cast "aye, with reservations," and the Chair so ordered.

Senator Kanno rose to speak in support of the measure with reservations as follows:

"Madame President, I rise to speak in support with reservations.

"I've spoken to the Chair of the Education Committee about addressing two areas of concern as the bill goes forward.

"The bill discusses the creation of pre-kindergarten programs for 4-year-old children who would have been negatively affected by this bill. However, the bill states on page 4, line 20, that the Department of Education shall provide pre-kindergarten programs 'within available personnel and facilities.'

"The language means that the DOE is not required to offer these programs.

"The bill also discusses exceptions for 4-year-old children who are born between August 1 and December 31 who are ready for kindergarten. However, the bill states on page 3, line 21, that the DOE may establish these procedures and may grant these exceptions.

"This language means that the DOE is not required to allow exceptions for children who are ready for kindergarten.

"Madame President, recently completed brain research shows remarkable development during the infant and toddler years.

"One of the most amazing facets of the research is the 'use-it-or-lose-it' quality of the human brain. It was discovered that there is a window of opportunity for infants and toddlers. If their brain doesn't receive the stimulation required to develop, the window of opportunity closes, and the child will forever lose the opportunity to attain their full potential.

"The intent of this legislation is admirable. At the same time, we need to do everything possible to provide quality early childhood education for all children.

"What we need to guard against is having the window of opportunity close for children under 5 years old.

"I urge my colleagues to support pre-kindergarten for all children affected by the bill and exceptions for those children who are ready for kindergarten.

"Thank you."

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

"Madame President, I rise in support of this bill.

"I'd like to speak in strong support of this measure, with the provision that we provide for the early childhood education the preschool options for the children that would be in the gap group.

"We're going to be dealing with thousands of bills this year, Madame President, and there are few that I believe rise to the level of importance of this bill. This bill truly provides systemic change to our educational system. There's no question that if this bill passes, the children that attend kindergarten will be better prepared, they'll be more mature, they'll be better students, they'll be better behaved, and less likely to fall between the cracks in later years.

"The year after this bill becomes effective, the children in first grade will likewise move up through the system. I speak in strong support and urge my colleagues to support this bill as well.

"Thank you."

Senator Slom then requested his vote be cast "aye, with reservations," and the Chair so ordered.

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

"Madame President, I rise in support of the measure as well.

"I agree with the remarks of the Senator from Kauai, and as the bill goes forward, we'll address the remarks from the Senator from Makakilo.

"I think the window of opportunity certainly is a wonderful thing for the little kids. Unfortunately, the window sill is a little high for those who are not ready for kindergarten and many of those outside the window trying to get over the sill are being labeled slow and learning disabled and are being hampered in their classroom as the academic achievement required in kindergarten requires the window sill height to be a little higher than some already.

"I have additional remarks to be inserted in the Journal, please, but I ask for your support and we'll work on the issues as it goes forward."

The Chair having so ordered, Senator Sakamoto's remarks read as follows:

"Madame President, I rise today to enthusiastically support S.B. No. 17, to raise the entrance age for Kindergarten from 4½ to 5 years of age.

"Advancing the kindergarten cutoff date is the only way for Hawaii's public school students to come to the academic starting line at or ahead of mainland students when it comes to competing on nationally normed tests such as the Stanford Achievement Test (which is used for our Statewide testing), the Scholastic Aptitude Test (which is used for college entrance) and for those tests used to assess progress in the Federally mandated 'No Child Left Behind program.'

"Results from our own Statewide testing for all grades in school years 1994, 1995, 1999, and 2001 show younger

students, those born during the latter half of the year, July through December, scored statistically significantly lower than older students in both reading and math.

“Other evidence of a needed change is the disproportionate number of Specific Learning Disability (SLD) students born during the latter half of the year. The SLD criteria is not supposed to be based on age, yet there is a weighted count of 24 percent more students born between July and December. That means there are about 1,200 more children in the SLD program than would be reasonable to expect. They are simply too young when they start school and because they can’t do the work they are misidentified as learning disabled. At conservatively \$10,000/student that’s about \$12 million a year that can be better spent on other needs in education.

“The Test Development Section and Special Education Branch of the DOE affirms that changing the cutoff date will bring about higher test scores and significantly decrease the number of SLD students. Such a change will minimize the costs that will continue to be incurred complying with the ‘No Child Left Behind’ mandate. Once our students are on par with those in most other states, we can more effectively address other problems afflicting our schools.

“Most mainland schools have a September 1 cutoff date. Hawaii public school students as a group are currently four months behind in social, emotional and intellectual maturity as they start their academic careers. Advancing the cutoff date to August 1 puts us out in front of the majority of mainland schools but not outside the window of others. Why August 1? August 1 splits the difference between the private schools cutoff date for boys, June 30 and the cutoff date for girls, September 1. These private school students are the main competition for our public school students. In addition, for school year 2003-2004, over 60 percent of our public schools in Hawaii will begin on or before July 31.

“The National Education Association, in a resolution regarding early childhood education said, ‘The Association supports regulations requiring children starting kindergarten to have reached age five at the beginning of a kindergarten program.’

“Before you cast your vote ask yourself what else could account for the statistical differences between the older and younger groups? And why are there 24 percent more SLD students born during the latter half of the year? And why is Hawaii the only state in which girls outscore boys in math? If starting school earlier is supposed to benefit our children, why are these very children who are younger lagging behind throughout their school career? Test results show that the great majority of younger students never catch up when they start too early. We must stop handicapping our students.

“Advancing the kindergarten cutoff date will bring about higher test scores but more importantly many more Hawaii public school students will become successful adults.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 17, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 670 (S.B. No. 24, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 670 be adopted and S.B. No. 24, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue rose to inquire as follows:

“Madame President, I rise on a point of clarification. May I be permitted a question, I guess, of the Education Chair?”

Chair: “Proceed.”

Senator Hogue continued:

“We had this question come up in caucus, Mr. Chair, and the question is, Will this move from a 10 to a 12 month salary schedule result in a pay increase for administrators or is this just a payroll procedure?”

Senator Sakamoto replied:

“The intention would be that it would result in a pay increase.”

Senator Hogue responded:

“If that is the case, I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 670 was adopted and S.B. No. 24, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Menor).

Stand. Com. Rep. No. 672 (S.B. No. 60):

Senator Taniguchi moved that Stand. Com. Rep. No. 672 be adopted and S.B. No. 60, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to the bill.

“The bill will add 20 new employees to the Department of Education to do functions that are already supposed to be done by the Department of Education.

“Thank you.”

Senator Hemmings rose to speak against the measure and said:

“Madame President, I rise to speak against S.B. No. 60.

“Colleagues, throughout the day we’re going to be authorizing expenditures of money to hire more people, and I won’t stand up and repeat this every time it happens, but I do want to go on record with the facts concerning the way this state has, in the past, allocated money and not hired the people.

“According to a 2002 report from DHRD, we presently have 4,702 positions that are allocated funds to. They sum of adjusted comp rate, which includes days off and all the other things, adds up to \$142 million. The sum of adjusted minimum salaries that they compute adds up to \$110 million. It’s a fairly large list. It includes behavior specialists, education assistants, school basic assistance, controllers and bookkeepers. There’s

even a noxious weed specialist in this bill for those weeds that they have on Maui. (That was an attempt at humor. I'm sorry.)

"I also want to let you know that the EDM has 1,670 positions, according to this document, totaling \$33 million of allocated funds for vacant positions. One question we may wish to ask ourselves is, where's the money? It's being spent.

"But on doing things like this, we're yielding our responsibility to the executive branch of government to make a mockery of our budget process. In the past, they have come to us with over \$100 million worth of funds for vacant positions and asked for more positions. These are tight financial times. We cannot afford to hire more people, and more importantly, we cannot afford to be disingenuous with the budget process.

"I would urge my colleagues to really do what is constitutionally mandated by the constitution and to take a strong fiscal stand for responsibility in how the taxpayers' money is spent. I would urge you all to vote 'no' against this bill and other bills that are going to hire people in a system that in the past has been totally unaccountable.

"Thank you, Madame President."

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

"Madame President, I rise in support of the measure.

"Certainly I agree with concerns over how our budget process is, and use or misuse of dollars from vacant positions, but just as many of you, as we visit the schools, we see what needs there are as we look at what mandates there are in it. And one in particular, the 'No Child Left Behind' from our Congress and our President, which is a good thing for children to achieve, and then we look at our principals and our teachers who are beleaguered with trying to just do what they need to do, these positions would help achieve the 'No Child Left Behind' by being able to assist in assessing test scores and hopefully coming up with better ways to assess, quicker ways for children and teachers to get together on improving education.

"So, I agree with the concerns about where are we adding. In this particular case, I believe these are important positions."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 60, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ASSESSMENT LIAISONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 673 (S.B. No. 209, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 673 be adopted and S.B. No. 209, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise to speak in opposition to this measure.

"First I want to acknowledge that this measure appears to be for a worthy purpose – that is funding necessary positions on a 12-month basis rather than a 10-month basis at Kapolei Elementary School and that it's only for \$60,000. The reason

for the extra money is that Kapolei is a multi-track school, and therein lies the rub.

"A few years ago, the Legislature passed multi-track legislation stating that they were doing so because it wouldn't cost extra money. It turns out they were wrong. It probably wouldn't be the first time. I just wanted to note that.

"Thank you."

Senator Sakamoto rose to speak in support of the measure and stated:

"Madame President, I rise in support.

"Just to clarify, comments from the principals from these particular schools said that because they are on this multi-track schedule, they're saving millions of dollars in resources that would have been allocated to facilities, classrooms in particular. They're asking for this amount to help them bridge over in better dealing with the schedule complications that have come up by trying to save millions in the facilities end of it."

Senator Hemmings rose to speak against the measure as follows:

"Madame President, I rise to speak against this legislation.

"Nevertheless, we were told that this was not going to cost more money and now it is costing more money. Regarding the previous speaker's concerns about facilities, it's ironic that the very next bill does allocate money relating to management of school facilities, so we're paying twice.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 673 was adopted and S.B. No. 209, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 674 (S.B. No. 337, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 674 be adopted and S.B. No. 337, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and stated:

"Madame President, very briefly, this, once again, allocates money for more positions. There are over 200 DAGS workers presently employed that are supposed to be handling management of school facilities and management of repair work in schools. And now we're going to deploy additional workers in the individual schools.

"I would suggest the prudent thing to do would be taking people out of the DAGS workforce and putting them in the schools where they belong and can work with the principals. Hiring more people just does not make economic sense in these austere financial times.

"Thank you, Madame President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 337, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE

MANAGEMENT OF SCHOOL FACILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 675 (S.B. No. 339, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 675 be adopted and S.B. No. 339, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I stand in opposition to this measure.

“One can either do work or attend meetings, but there’s one undeniable fact that one cannot do both at the same time. How many boards, commissions, and councils do we need to create just to give us a sense that we are accomplishing something? I believe that it is time that we start to draw the line and say no to not only all new councils, commissions, and boards, but to review the ones we already have on the books.

“Thank you.”

Senator Sakamoto rose in support of the measure and said:

“Madame President, I rise in support of the measure.

“Certainly, as we look at how education is doing annually or thereabouts, we read in the newspaper and we see these scores that are portrayed as a barometer or thermometer on how our schools are doing. My hope would be, rather than relying on that or national publications that pontificate A, B, C, D, E, F or whatever, that we can actually come up with measures that will accurately predict where we’re sagging in our system, where we’re on the level, and where we’re actually doing better.

“So, I think this one-time commission, and I agree with the previous speaker, and obviously we shouldn’t be just having meetings and meetings, but we do need to have a better way to assess our whole education system.”

Senator Hogue rose to oppose the measure as follows:

“Madame President, I just wanted to note that in opposition to this measure, the legislative auditor, the DOE and several comments from the University of Hawaii, as well. I think the best time to kill this well intended but poor bill is right now.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 339, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 676 (S.B. No. 342):

Senator Taniguchi moved that Stand. Com. Rep. No. 676 be adopted and S.B. No. 342, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak with reservations and said:

“Madame President, I stand with reservations.

“There are a few things we should remember – and I will be voting with reservations on all succeeding special revenue purpose bonds – and that is the capital markets are very different today than they were six years ago or eight years ago when this legislation was created.

“Number two, if one of these were to go awry, we would be amazed at the number of widows and orphans that have come to rely on fixed income securities. If we go back a generation, it’s Manoa Finance. If we go to the present, it’s a bridge over the Hamakua Ditch.

“The final point is that in the process of ushering these through, we are putting a stamp on them, regardless of what our legal counsel advises us.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 342, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAUOLI SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, English, Hooser, Tsutsui).

Stand. Com. Rep. No. 677 (S.B. No. 343):

Senator Taniguchi moved that Stand. Com. Rep. No. 677 be adopted and S.B. No. 343, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 343, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, English, Hooser, Tsutsui).

Stand. Com. Rep. No. 678 (S.B. No. 353, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 678 be adopted and S.B. No. 353, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in support of this measure.

“Over the interim there were a number of legislators and others that formed focus groups to look at what things might help education, what things make sense. And many parts of this are from that. I’ve passed out to the members either yesterday or today, a chart showing some of the points.

“Part of this does establish a public school finance system organized by school complexes and attempts to link complex based student performance goals. Another part defines certain roles and responsibilities of the board of education, the

superintendent of education, complex administrators, teachers, and parents within the state system.

“Another part would hope to enhance partnerships between community-based organizations, private businesses and public schools. And fourthly, establish initiatives to improve the quality of schools.

“So these recommendations, again, were created by legislators and a group of educators, leaders, community advocates during the interim. And in this long process, there was rich discussion that led to innovative ideas, as well as reinforced previous ideas. I hope we can support this and move forward and at the end of the Session to really come up with good things to help education.

“Thank you.”

Senator Hogue rose to speak with reservations and said:

“Madame President, I rise with strong reservations about this bill.

“This is essentially a wish list and certainly there are some interesting ideas moved forward in this. One is allowing the DOE to keep 5 percent of its carryover funds for each school complex. It requires money to be expended on school complex based in structural goods and services. It defines school complexes. It directs not less than a specified percentage of the general fund to be appropriated by the Legislature for the education budget, although that one certainly would cause some flexibility concerns. It allows the Legislature to appropriate additional funds besides the specified percentage.

“So, you get your money and then you put crocodile tears on, I guess, and then you come back and you ask for more. So there are not only some concerns there but there are several concerns later.

“It expands the amount of administrative overhead the department is permitted to spend. So we want to increase overhead instead of getting it into the classroom? I don’t think so. It repeals school-based budget flexibility provisions, including language requiring the DOE to distribute the full appropriation due to charter or conversion charter schools, directly to the charter school. We already have problems with funding our charter schools. This will fly in the face of that.

“It deletes the requirement that the salaries of the superintendent, teachers, and office force, and all employees of the department and various expenses be reported in the budget. Certainly these are all very problematical. I hope that this measure is cleaned up, and when it gets all the way to the end of the process, it represents true reform and not just a wish list and an impediment of the process.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 353, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

Stand. Com. Rep. No. 679 (S.B. No. 395, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 679 be adopted and S.B. No. 395, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 679 was adopted and S.B. No. 395, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HO’ALA SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, English, Hooser, Tsutsui).

Stand. Com. Rep. No. 680 (S.B. No. 397):

Senator Taniguchi moved that Stand. Com. Rep. No. 680 be adopted and S.B. No. 397, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 397, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, English, Hooser, Tsutsui).

Stand. Com. Rep. No. 681 (S.B. No. 402, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 681 be adopted and S.B. No. 402, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to the bill.

“This is a twofer, Madame President. I am voting against this bill because it creates a special fund. I need not rise and speak against each additional special fund which we’ll create today. Suffice it to say, it is bad accounting procedures. It hides funds. There’s non-accountability.

“We’re now in the process, finally, of eliminating some of these funds, but as we’ve learned over the years, they make very convenient hiding places and they were not so special, special funds, not being used for the purposes that they were intended.

“In addition to that, I pick up on the remarks of the good Senator from Downtown who said a little while ago that we really have to start working and stop having some more councils and commissions and panels and task forces and everything else.

“I don’t think we need a medical education council. I think we have the information at hand. We have to get to work, so I urge a ‘no’ vote.

“Thank you.”

Senator Sakamoto rose in support of the measure as follows:

“Madame President, I rise in support of the measure.

“Dean Cadman at the medical school and some of his colleagues have patterned this measure after Utah. Utah has grouped up their medical schools with the hospitals that provide residency training as well as other health care training. And they’ve been able to, by working cooperatively doing this, get a better federal match on some Medicaid dollars as well as better planning the future and not being hit and miss with each individual hospital or trainer of education.

“Indeed we don’t want committees and commissions for everything, but this is for a good purpose.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 402, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAL EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

Stand. Com. Rep. No. 683 (S.B. No. 832, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 683 be adopted and S.B. No. 832, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against S.B. No. 832, S.D. 1.

“Interesting proposal – allow someone to check off on their tax return giving money to libraries. What’s wrong with giving money to the infirmed or the sick, the hungry, the elderly, and all the other social ills we face that are going unfunded or very poorly funded?

“It does not make good economic sense, especially in view of the fact that it seems to be the major problem with the library system is the head librarian, Virginia Lowell. Let me give you a couple of examples: two years ago, the good Senator from Manoa, the Chairman of the Ways and Means Committee, put into the state budget allocating money for a full-time librarian at Waimanalo Elementary School. Waimanalo is an area that is socially and economically challenged. The head librarian at that time took the money and gave them half a librarian while continuing to fund full-time librarians in libraries in much more affluent neighborhoods. So the message was, from the head librarian – we don’t care what the Legislature says, I’ll do what I please.

“Just recently, the same library, under the guise that the executive branch budget cuts were straining library resources, the head librarian closed a library on Saturday with the idea that libraries can only be open five days a week. The problem was, once again, on Saturday, the Waimanalo Library for Children was totally paid for by a private contributor. So once again, the autocratic Virginia Lowell mismanaged resources – in this instance, not even taxpayers’ resources – per her own dictatorial management.

“I don’t think we should be giving her more money until she accounts for the way she’s already spending existing resources, and most assuredly, until she starts following the laws as set forth in the budget.

“Thank you, Madame President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 832, S.D. 1, entitled:

“A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Kokubun).

Stand. Com. Rep. No. 684 (S.B. No. 995, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 684 be adopted and S.B. No. 995, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I speak in opposition to this measure.

“It’s finally come, we’re now putting on a new tax, and a new tax, on the very people we’re supposed to be serving – the students. I think we’re going in the wrong direction and once we start down this path, we won’t seem to be able to stop.

“Thank you.”

Senator Espero rose to speak against the measure as follows:

“Madame President, I also will be voting ‘no’ on this measure.

“I believe that charging families \$20 per student is, as our Senator from Waikiki/Ala Moana said, another tax. I think what we should be looking at is taking the money directly out of our general funds if we need to pay for books and instructional material.

“Plus, we also have a group of students that are exempt from paying this, which means that the other students will be subsidizing those students.

“So, I’d like to urge my Senators to look at this matter and consider general funding for this. Thank you very much.”

Senator Sakamoto rose in support of the measure and stated:

“Madame President, I rise in support of S.B. No. 995.

“This would implement measures that would assure or at least improve our ability to get the greatest value for our textbook dollar by consolidating textbook purchases or conducting purchasing in partnership with entities such as the Department of Defense and allows parents to purchase textbooks for home use. It also provides for a system of textbook deposits and fees that ensure the DOE can provide current textbooks.

“Many other jurisdictions use textbook fees and deposits to support textbook purchasing and replacement. This bill calls for a small contribution up to \$20 per child in the Department of Education system with a waiver for the 59,999 students that are eligible for free lunch and the 19,292 students that are eligible for reduced lunch.

“This translates into a small contribution from families that can afford it, but a big infusion to help with a central resources for the schools.

“Many would say this, perhaps, might interfere with free and appropriate education, and my response is, because we exempt those who cannot afford the contribution, we’re not requiring

them to make it but we can still benefit by getting better updated textbooks. The fee certainly would be similar to lunch fees, bus fees, and other things.

“Providing and retaining up-to-date textbooks has been a long-term struggle for schools, so I believe this small contribution will go a long way to remedy the problem.”

Senator Whalen rose to speak in opposition to the measure and stated:

“Madame President, I rise in opposition.

“I don’t think anyone has a problem with all the great ideas in this bill. I think the big thing is the fee that’s going to be charged, not a deposit but an actual fee that you have to pay for per student.

“I won’t ramble on, but I find it extremely offensive for the statement to be made that they were only charging it for families who can afford it. I don’t think it’s for us to decide the budget of the people of Hawaii in determining what they can and cannot afford. Many people who are not subscribers to a free lunch or reduced price lunch are still struggling tremendously to make it in Hawaii. And for us to say, ‘well, under our standards, you can afford what we’re going to tell you that you have to pay,’ is the height of arrogance, and that statement made me vote ‘no.’”

Senator Hogue rose in opposition to the measure and said:

“Madame President, I rise in opposition to this measure. I want to follow up on the comments made by the previous couple of speakers.

“We are, by law, forced to send our children to school. And by law, we must give them a free and appropriate education – free, is free. It’s not \$20, who we select to pay the \$20. The last time I checked, appropriate education included books, and books should come out of the general fund.

“So, not only does this fly in the face of probably the constitution, but it flies in the face of common sense. I’ll be voting ‘no’ and I hope you all do too.

“Thank you.”

Senator Sakamoto rose again and stated:

“Madame President, I rise in response.

“I apologize if I appeared to be arrogant or was arrogant and I don’t mean to imply that I know the finances of the many families out there. But I guess in addressing the free or reduced lunch, at least certainly there are people who are less able to afford anything coming out from their pockets.

“As we go forward, assuming the measure goes forward, we can look at what things other public schools elsewhere charge. Certainly, it’s not my belief that everything is free. Alternatively, we can support the other measure to raise money in the general fund so we can do what we’re obligated to do – provide textbooks for our students.”

Senator Ige rose to speak with reservations on the measure and said:

“Madame President, I just would like to note my reservations on this measure and just that we should proceed very cautiously.”

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

“Madame President, I rise in support of the measure.

“I’d like to say the measure has many positive aspects to it. I think the ability to put a deposit for books . . .

“Many books are lost and they’re very expensive, and so deposits would add to the student responsibility. The aspect of allowing parents to buy books if they want to, extra books for the student at the same price, is a good one.

“I also have some concerns about charging students for books, but I’m happy to hear so much testimony today in support of fully funding our educational system. I look forward to the many opportunities we’re going to have to vote ‘yes’ to spend more money on education, to invest in education, and put our priorities where they belong.

“Thank you.”

Senator Slom rose in opposition to the measure as follows:

“Madame President, I rise in opposition to the bill.

“Isn’t this a good discussion? It also shows you the power of language and the power of words. For example, I heard the word contribution mentioned nine times, and yet there is no contribution in this bill. It is a forced fee or tax. It’s just like when we talk about social security contributions or unemployment compensation contributions. I’ve never made one of those contributions in my life, I do to my religious organizations and the Boy Scouts and other groups.

“This is not a contribution. It’s a fee and it’s a tax.

“And then I heard the word ‘free’ all the time. Well, that ‘free’ public education that we talk about costs us over a billion dollars a year because somebody’s got to pay for it. They’ve got to pay for the textbooks; they’ve got to pay for the facilities; they’ve got to pay for the teachers; they’ve got to pay for the electricity; they’ve got to pay for all those things. So we do everyone in this State a great disservice when we talk about ‘free’ because there is no such thing as a free lunch . . . oh yeah, not even the free lunches, because somebody’s got to pay for those free lunches. But now we create more people that don’t have to pay for the lunches directly, or pay for the textbooks directly, which means that other people do have to pay for the textbooks.

“So I guess the bottom line here is, yes, we want to improve education, but education is not a function of money by itself. It is a function of leadership and accountability, and it’s been lacking for decades. And throwing more money and charging more people, whether we call it contributions or fees or taxes, is not going to end that problem.

“Thank you, Madame President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 684 was adopted and S.B. No. 995, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 6 (Espero, Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Fukunaga, Ihara).

Stand. Com. Rep. No. 685 (S.B. No. 1072, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 685 be adopted and S.B. No. 1072, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to the bill.

“I guess this is a free ISPED typist bill except that in the original draft, there were 313 positions that were being asked for and a cost of \$13.6 million. In the current draft, S.D. 2, there’s no number of individuals so we don’t know how many are going to be needed or hired, and we don’t know how much it’s going to cost because there’s no amount of money that’s shown there.

“What we do know is it’s going to cost us more and there’s going to be more employees and we don’t see the relationship between increased productivity or doing things that should have been done already.

“Thank you.”

Senator Hogue rose to speak with reservations on the measure and said:

“Madame President, I’ll be voting with reservations.

“I just wanted to note that, essentially, this is being asked for because the Department of Education a few years ago contracted out with ISPED and they frankly didn’t know what they were doing. And so there are a lot of complaints from teachers that this has put a tremendous burden on them, and certainly it has.

“It’s just another example of the Department of Education going forward with something that they did not know what they were doing. And that’s a problem that’s got to stop.

“Thank you.”

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against S.B. No. 1072, S.D. 2.

“It has been told to us by a previous speaker that we have to throw more money at public education in order for it to succeed. The evidence is, with over 1,670 positions being vacated, a total expenditure of \$33,920,645, that money is already appropriated to fill positions like this. This document is full of clerk positions and all other types of positions.

“So once again, this whole process makes a mockery of our budget and our initiatives to hold the education system accountable. They mismanage, misappropriate money, and they come and ask us for more positions and more money. It just doesn’t make sense.

“I urge my colleagues to stand up and be counted on this issue. Money is not the problem; mismanagement is.

“Thank you, Madame President.”

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

“Madame President, I rise in support of the measure.

“As we look back, one of the biggest problems over the last, say, four or five years has been the Felix consent decree. And I agree with the Senator from Lanikai/Kailua that certainly things could have been done better. And I agree that this ISPED, integrated special education database, the software wasn’t all that it could be to be as easy to use and as timely as it could have been. There are problems there.

“However, many of the special ed teachers and assistants have struggled to input things to meet the Felix consent decree. And I applaud the teachers, and the administrators, and the complexes for at least getting us to the point we’re at right now.

“With the budget process we have, we need to do things this way. I would hope as we go forward with looking at the reform measures on bringing resources to complexes in a different manner, we can perhaps then better be able to move positions around within a complex to do what the Senator from Lanikai has proposed.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 1072, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ISPED CLERK TYPISTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 686 (S.B. No. 1183):

Senator Taniguchi moved that Stand. Com. Rep. No. 686 be adopted and S.B. No. 1183, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 686 was adopted and S.B. No. 1183, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Baker, English, Hooser, Tsutsui). Excused, 1 (Ihara).

Stand. Com. Rep. No. 687 (S.B. No. 1381, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 687 be adopted and S.B. No. 1381, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak against S.B. No. 1381, S.D. 1.

“There she goes again. Two things that I think are relevant to this bill – number one is, if we give the head librarian \$1 million for Kapolei Library, not my opinion, but the empirical evidence will show there’s no guarantee that’s where it will be spent. Item number two is, last year in H.B. No. 800, C.D. 1, we gave five positions and \$270,000 to Kapolei Library. If those funds and positions weren’t expended properly by the state librarian, then why would this measure achieve a different result?

"The problem is not the money in this particular instance. Once again, the problem is mismanagement and unaccountability, and more importantly, a complete ignoring of legislative will by the head librarian.

"I urge my colleagues to hold her accountable, not just give her more money every time she asks for it.

"Thank you, Madame President."

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

"Madame President, I rise in opposition.

"Madame President, my vote against this measure is really a reflection of a vote of no confidence in the head librarian, Virginia Lowell. As previous speakers have stated, we have a problem with our libraries. For us on the neighbor islands, when we are told that our libraries will be cut back, will be turned into kiosks, electronic libraries in shopping centers, well, a couple of things – Moloka'i, I don't think, has what you could call a major shopping center, nor does Hana, nor does Lana'i. Some of these areas do not have high-speed connectivity that is needed, but more importantly, that our rural libraries are very important for the social fabric of the community. And to be told, 'Well, it's an all or nothing game. We get Kapolei and you guys get nothing, or . . . you guys get nothing.'

"Now, the Senator from Waimanalo has brought up a very good point as well, and that is, the head librarian has a pattern of ignoring legislative mandate when it becomes law. He speaks of the library in Waimanalo. Let me tell of a library in Makawao. Last year we appropriated monies for expansion of Makawao Library, enough to do everything that's needed. The people of Makawao and Upcountry want this library. The librarian there wants the library. It is serving one of the fastest growing communities on Maui – from Huelo all the way across to Kula – use this library. It is overflowing every day. We allocate the funds to do it and the librarian says, 'No. Unless we get Kapolei, this library in Makawao does not go.'

"So, my concern, members is twofold. The first is that we have a librarian that is choosing, willfully choosing, to ignore the law. When the budget is signed by the Governor, it becomes the law. And this is what concerns me the most. The second part of it is, while I think that Kapolei is a worthy library, it should not move forward at the cost of the neighbor island libraries.

"I would like a concomitant movement. I would like our libraries not to suffer and to be nurtured on the neighbor islands, and for Kapolei to move forward. But I cannot support this particular measure for these reasons.

"Madame President, finally I have to say, based on the past record of the head librarian following legislative mandate, the Senator from Waimanalo is absolutely correct – we have no assurances that this money will be used for what is stated in the bill.

"So, for these reasons, to protect the libraries on the neighbor islands, I cast my 'no' vote and ask my colleagues to consider it as well. Thank you."

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

"Madame President, I rise in opposition to this measure.

"I want to say that I appreciate the good words of the Senator from Maui. I echo his no confidence vote in our state librarian, and I'll take it one step further – I think it is time for our head librarian to step down from her job. She is arrogant. She is inflexible. She does not respond to community concerns, and much of the time, her efforts fly in the face of common sense.

"This bill asks for money for Kapolei Library. That is a worthy cause. But when the community stepped forward to volunteer their time and books for the Kapolei area, she said no. When the community stepped forward with flexibility and time and their ideas in Waimanalo, this librarian said no.

"It is time for us to say NO to this librarian. I hope you will join me in writing a letter to the head librarian asking that she do what is best for the people of the State of Hawaii and step down from her position as the head librarian. The time to do that is right now, and it is in the best interest of all the people of Hawaii.

"Thank you, Madame President."

Senator Tsutsui rose in opposition to the measure and stated:

"Madame President, I rise in opposition.

"Madame President, like my colleagues, I echo some of the same concerns that they have raised. I, too, have some concerns over the direction of our state library system and its lack of a clear vision. I think that a lot of our existing libraries are now currently suffering because of this lack of vision.

"I am not convinced that a million dollar emergency appropriation to the Kapolei Library would solve this problem. Therefore, if there is an emergency appropriation, rather I'd like to see it applied to all state libraries. Because of that, Madame President, I'll be in opposition to this measure.

"Thank you."

Senator Kanno rose to speak in support of the measure and said:

"Madame President, I rise to speak in support of the measure.

"The concerns about the library system are valid and need to be addressed, and I will join with my colleague from Hana in doing what we can to try and address the concerns for all libraries statewide.

"I did want to add some information to the discussion. In the most recent discussions about Kapolei Library, the state librarian has endorsed and supported an effort from the community to open the doors of the library with some volunteer assistance led by a member from the Board of Education. I believe that will be starting in the next month. So, that position has changed.

"We do have to, I believe, work together towards addressing our library services statewide. I just urge my colleagues to support the measure.

"In regards to the concern that the librarian will not spend these monies on Kapolei as the Legislature intends, the Education Chair amended the bill with specific language in that regard, requiring that the monies be spent at Kapolei.

"You have my commitment to support the improvement of library services for all our communities, and I agree with you

that these issues have to be addressed and are not being properly addressed currently.

“Thank you.”

Senator Hooser rose to speak with reservations on the measure and said:

“Madame President, I rise to speak with reservations on this bill. I share the concerns of my neighbor island Senators and many other Senators who spoke in opposition.

“I would like to see the library at Kapolei open, but I’m very concerned about the distribution of resources to the neighbor islands. I have libraries in my community. The town of Kapaa needs funds and a relatively small amount of funds compared to the million dollars.

“I have to say, when reviewing my e-mail and my letters and the calls I get, people dissatisfied with the library system far exceed the other, in proportion. I would think there would be many other items that people were unhappy with, but they are very unhappy with the library system.

“I have no experience with the head librarian, so I will not ‘go there’ in terms of judging the management capacity of that person. But I do have reservations over the allocation of resources to this one specific place.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 687 was adopted and S.B. No. 1381, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Baker, English, Fukunaga, Hemmings, Hogue, Slom, Trimble, Tsutsui, Whalen).

Stand. Com. Rep. No. 688 (S.B. No. 1411, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 688 be adopted and S.B. No. 1411, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure as follows:

“Madame President, I rise to speak briefly against this bill.

“We continually hear, year in and year out, about university autonomy, with the exception of when its time to pay their liabilities, and this is one that they certainly should assume autonomy with. Therefore, I’ll be voting ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 688 was adopted and S.B. No. 1411, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RISK MANAGEMENT SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 689 (S.B. No. 1700, S.D. 1):

Senator Kokubun moved that Stand. Com. Rep. No. 689 be adopted and S.B. No. 1700, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

“Madame President, I have some remarks in support of this measure I’d like to have inserted into the Journal.

“Thank you.”

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Madame. President, I rise to speak in support of S.B. No. 1700, S.D. 1, relating to charter schools.

“As you know, the New Century Charter School Program was initiated in 1999 to nurture the ideal of more autonomous and flexible decision-making at the school level. It allows existing public schools and new schools to be designated as new century charter schools, and operate independent educational programs to meet specific local area needs. S.B. No. 1700, S.D. 1, will enhance the operations of New Century Charter Schools by streamlining their funding. This bill also establishes a separate budget program and governing entity for charter schools.

“This important step demonstrates the Legislature’s intent to create greater autonomy for the New Century Charter Schools. In that regard, S.B. No. 1700, S.D. 1, also requires these schools to develop and provide special education and related services for eligible students. However, direct funding for those programs must be provided.

“Kihei High School, a New Century Public Charter School, is in my district. Kihei High School fulfills a very important public need, as it is the only high school in the densely populated and growing region of South Maui. With S.B. No. 1700, S.D. 1, in place Kihei High School will continue to grow to meet the educational needs of South Maui. S.B. No. 1700, S.D. 1, will provide local New Century Charter School leaders like Principal Rick Paul and his staff the flexibility to plan and grow their program into the future.

“Support for this measure in no way diminishes my support for all other public high schools. I am committed to seeing that all public schools are provided with sufficient educational resources to meet the needs of their students. I urge my colleagues to join me to support this important measure.

“Mahalo.”

Senator Hogue rose in support of the measure with reservations and stated:

“Madame President, I rise to speak in support of this bill with reservations.

“First of all I want to say thank you to the Chair of Education for getting together many of the members of the charter school groups to talk about this very important legislation.

“Just a little bit of history . . . as you know, we have okayed 25 charter schools in the past few years. Many of them, however, are literally hanging by a thread. And the reason is because we have not done a good job of formulating our legislation on this very important topic in the past few years.

“Currently, those schools have been allocated a paltry sum of \$3,805, give or take a few cents, per student. And special education students are not even counted. So you can see with very small school populations, if many of them have as many as 20 to 25 percent of special ed students, you can see how they barely can get by. None of this allocation has anything to do with facilities, so they are really, really working and trying to proceed in harms way.

“This bill addresses some of those concerns. However, unfortunately it goes a little bit too far in a couple of areas as well. It forms some sort of special advisory council (and I don’t even remember the exact title), but essentially, that would oversee the charter schools. And in so doing, it would take away, really, what is intended in the whole charter school movement – and that is that the charter schools govern themselves.

“The Department of Education needs to take this big task themselves. We don’t need to form another commission, or council, or advisory group, or board of directors, or whatever. Not only that, but the head of the federal Department of Education, Dean Kern, who will be here in Hawaii in the coming days, has said of this legislation that it flies in the face of what is going on in a good manner on the mainland.

“Hopefully we can learn from Dean Kern when he comes to visit us. We need to learn from him and proceed as we listen, so that we can actually financially support our charter schools and have good legislation for our charter schools.

“I think it’s important that many of the members in the charter school movement are supporting this bill. So even though there are some concerns with it, I certainly don’t want to encourage a ‘no’ vote at this time. However, we must fix the problems with it so that we can move forward with the charter school movement, a very important movement. We need to get the funding to an acceptable level and they need to be able to budget and move forward with their very important task, which is educating the students at their great charter schools.

“Thank you very much, Madame President.”

Senator Slom requested his vote be cast “aye, with reservations,” and the Chair so ordered.

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

“Madame President, I rise in support of the measure.

“Now, some clarifications to some issues brought up . . . the charter school education agency would be something that would help charter schools better work together and become more independent, so perhaps we need to look at the intention of that. But it wasn’t the intention for more bureaucracy; it was the intention to help them be extricated from the DOE bureaucracy.

“I look forward to hearing what Dean Kern has to say and his comments on provisions in here.

“Certainly, this bill is a product of the Legislature as the bills before this were because this body enabled us to create the 25 charter schools and the proposed 25 new conversion-type charter schools. But just to clear the record, I feel that we as Legislators are doing what the Board of Education should have, could have, didn’t do in terms of dealing with charter schools. The auditor determined the formula. We didn’t determine the \$3,805, so I don’t think we here, sitting here, both sides of the aisle should be faulted for saying it was our call on how much money came to charter schools.

“It’s certainly my hope and I think those who crafted this measure that a certainly increased amount go to charter schools on a per pupil basis.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 689 was adopted and S.B. No. 1700, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 690 (S.B. No. 39, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Aduja and carried, Stand. Com. Rep. No. 690 was adopted and S.B. No. 39, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARKS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 692 (S.B. No. 1172, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 692 be adopted and S.B. No. 1172, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak with reservations on the measure and said:

“Madame President, I rise to speak in favor of S.B. No. 1172, S.D. 2.

“I do have reservations on this bill, but unfortunately I don’t have reservations on the two inter-island airlines because they’re overbooked. (Laughter.)

“Our neighbor islanders are suffering immensely. And it seems, in the wake of this Legislature’s wise decision last year not to allow the two airlines to merge into a monopoly, that things have gotten worse. The availability of flights has dropped and airfares have escalated.

“It might be curious to ask why? But we don’t need an answer to that because we’ve seen the results – airfares have escalated, and especially our neighbor islanders – and our Legislators here can testify to it – have a difficult time getting to Oahu, as all our people do, or go anywhere else for that matter because the airlines are overbooked.

“I think that this bill should certainly allow the airlines a little more economic breathing room, but with it should come a little more space for us to use the airlines for inter-island travel. Therefore, I hope as it weaves its way or flies through this legislative process – to use one of the good Senator from Moanalua’s metaphors – that we take a second look at it and figure out a way to encourage the local airlines to make seats available for our people.

“Thank you, Madame President.”

Senator Inouye rose in support of the measure with reservations and stated:

“Madame President, I speak in support of this measure with reservations.

“Madame President and members, I understand there are many other measures to support and alleviate many of the

problems with landing fees or tax credits that are moving in this Legislature, as well as some bills we'll be receiving from the House.

"I have very grave concerns about not supporting the airlines. However, we've all heard from the good Senator from Waimanalo and it's indeed a big problem – a problem that perhaps many of you have not experienced because you are here, but certainly experienced from our neighbor islands and our constituents out there.

"This is something that hopefully we can further discussions on. I know it's a regulation that's overseen by the federal government, but hopefully we can send a message, as well, to our inter-island carriers that indeed if they want help, then let's see if we can be on the same level playing field and provide the needed air transportation to the neighbor islands.

"Maybe, perhaps in the near future, we can look at regulating the airlines again and see that we go back to the old system of the arrival and departures at two different points, then maybe our local airlines can go back to at least providing the inter-island transportation. I think with the competition that one has from an inter-island now going overseas, I think we really have seen air transportation as one of the biggest problems in our State of Hawaii.

"Thank you, Madame President."

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

"Madame President, I rise in opposition because I also cannot get reservations.

"I think what our State really needs is a third inter-island air carrier. I think if you talk to our residents, the time of glory, when traveling inter-island, was when we had three carriers.

"I want to see our air carriers survive and prosper also, but I'm not so sure that controlling the market is the best way to do it. Perhaps competition is the best way to do it. I know right now the airlines are cutting flights, and cutting wages, and raising rates.

"This is a public benefit, and I think if we're going to offer a public benefit in the form of tax credits, we need to put some parameters on that. We need to demand extra availability or increased availability.

"I think it's important to realize this is not about neighbor islanders coming to Honolulu to go shopping for the weekend. This is about doing commerce in an island state. This is about small businesses, large businesses, and all kinds of people who live on the neighbor islands and have to travel on a regular basis to Honolulu and to the various islands. There are many people in my district who have businesses with operations all over the State, and they can no longer operate their businesses.

"This is going to inhibit commerce, inhibit the economy; I think that we need to send a message to the airlines that they need to conform to our economy rather than our economy conform to their needs. They need to realize that we need flexibility. We need the ability to get on planes on a regular basis. People cannot conduct business when having to make reservations weeks in advance.

"So, for those reasons, I'd like to send as strong a message as possible and will be voting 'no' on this measure. Thank you."

Senator Trimble rose to speak with reservations on the measure and said:

"Madame President, I rise with reservations on this measure.

"Tax credits do not represent a permanent solution to this problem.

"The comments that preceded me said that the State should be looking at broadening the options of its citizens. Instead of looking at tax credits for airlines, we should be looking at broadening the options by creating a marine highway of vehicular ferries so that our small businesses and our larger businesses can enjoy larger markets, and our residents can enjoy more choices.

"Thank you."

Senator Fukunaga rose in support of the measure with reservations and stated:

"Madame President, I would like to rise and speak in support of this measure, also with reservations.

"The comments of many of the Senators who spoke before me very well demonstrate the areas of concerns that the airlines need to address. As we take a look at this measure, it represents simply one method of addressing the problem.

"I do believe that there is a lot more work that needs to be done and fully support many of the recommendations that have been made by my colleagues. Thank you."

Senator Ihara rose to speak with reservations on the measure and said:

"Madame President, I have reservations, the non-airline type."

Senators Baker, Slom, Chun Oakland, and Ige then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 692 was adopted and S.B. No. 1172, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AIRLINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

Stand. Com. Rep. No. 693 (S.B. No. 12, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 693 be adopted and S.B. No. 12, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I speak in opposition.

"This is another bill that asks for outside attorneys for the Department of Education.

"Thank you."

Senator Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

At 2:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:36 o'clock p.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 693 was adopted and S.B. No. 12, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 9 (Baker, English, Hemmings, Hogue, Hooser, Slom, Trimble, Tsutsui, Whalen). Excused, 1 (Espero).

Stand. Com. Rep. No. 696 (S.B. No. 477, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 696 be adopted and S.B. No. 477, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, thank you for taking me first, because before my illustrious colleague from Hawaii Kai stands up and says why he's going to vote against this bill I hope he listens to my arguments why he should be in support. I rise in support of this measure.

"Madame President, many have commented about the fact that we have had many special attorney general bills coming forward, and the good Senator from Hawaii Kai always points out the fact that this Senator, in particular, had such glowing remarks about the attorney general. However, this is a different situation, Madame President. This is a result . . . and we must look at the context of which we come. This is a Hawaiian Homes Commission Act of 1920, 1921 issue.

"Madame President, if you look at what the State gives, in terms of the Hawaiian Homes Commission, we give a little over a million dollars a year in terms of general fund monies. This past budget, \$300,000-plus of that money was asked to be transferred back to the Attorney General's Offices for services rendered to the Hawaiian Homes Commission. The reason why is very simple – because you have a different set of beneficiaries. You're not talking about the State of Hawaii – you are talking about beneficiaries as defined under the Hawaiian Homes Commission Act of 1920 or 1921, whichever year you wish to pick.

"Two years ago when the Barrett case was filed, at that time the Hawaiian Homes Commission could not have its own independent counsel. So to, in their opinion, best defend and represent the interest of those who are beneficiaries of the Act, they in essence dipped into their trust funds and transferred \$600,000 to the entity called SCHHA, which is the State Council of Hawaiian Homestead Associations. It is through SCHHA that the beneficiaries' interests were, in fact, litigated in the court. The attorney general was in a conflict because at that time he had the State of Hawaii's interest versus the beneficial class under this Act.

"Madame President, colleagues, it is for this reason that I ask that you reconsider your position against, for those who will vote that way against no attorney generals or no special attorney generals. This is a different situation. Remember, any law we pass that affects that Hawaiian Home Commission Act must, in fact, first be approved by Congress before it becomes law. These are unusual steps because it is an unusual responsibility. It is a fiduciary duty that we are talking about. And let us not

forget, as long as this law is in existence, that beneficial class is as defined under that law.

"For these reasons, Madame President, I ask that my colleagues vote in favor of permitting the Hawaiian Homes Commission to hire a special attorney general or its own counsel if it so deems fit, because its going to use its own money anyway.

"Thank you very much."

Senator English rose to also speak in support and stated:

"Madame President, I rise in support. I've been convinced by the previous speaker.

"Madame President, the truth of it is that I support this particular one, out of the others, because, well, the Hawaiian Home Lands Commission will need its own attorney to help transition it to the Hawaiian State or the Hawaiian Nation, if you want to call it that. Because once Congress approves the Akaka bill, as that moves forward, one of the discussions we've had is that the transition of some of the Hawaiian entities over would have to take place.

"So, I think that at this particular point, it would be prudent for Hawaiian Home Lands, because of its special class, to have its own attorney because it will be dealing with which lands belong to the Hawaiian State, which assets transfer to the Hawaiian State, how would this transfer happen, residual obligations of the State of Hawaii. And remember, the Hawaiian Home Lands Commission was incorporated into the State of Hawaii as a term of union with the United States. It was part of our Admissions Act.

"So, we're going to be amending a whole bunch of organic laws for Hawaii in order to create the Hawaiian State. And in order to do that, this entity will need to have a full-time, very, very hardworking attorney to make sure of its interest, as opposed to the State of Hawaii's interest.

"Let me just clarify. I'm saying the term Hawaiian State, the Hawaiian Nation. As we move to that, the interest of the Hawaiian Nation will be preserved and protected through this transition.

"Thank you, Madame President."

Senator Hemmings rose to speak against the measure as follows:

"Madame President, I rise to speak against S.B. No. 477, S.D. 1, but I rise with an open mind and I think the good Senator has made a compelling argument.

"I don't think one size fits all in legislation or ideology either. There are exceptions to every rule.

"I would like, as a point of inquiry, to ask the good Senator if she would yield to a question, and the question would be: Does Hawaiian Home Lands, the department, have the ability to currently petition the Attorney General's Office for legal assistance separate from their legal staff?"

Senator Hanabusa replied:

"I believe, like any other department, it has that right to petition."

Senator Hemmings then said:

“Thank you for the forthright answer, good Senator from Waianae.

“That ability certainly preempts the need for this bill. Therefore, I will remain with a ‘no’ vote. Thank you.”

Senator Tsutsui rose to speak with reservations on the measure and said:

“Madame President, I’ve been somewhat persuaded, so I would like to note my vote of reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 696 was adopted and S.B. No. 477, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOME LANDS COMMISSION ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 698 (S.B. No. 611, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 698 be adopted and S.B. No. 611, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to this measure.

“How much is enough? When it comes to attorneys, there appears to be no limits. If we were to convert to a monthly salary, assuming that they only worked eight hours a day and that’s something in question, if it was not in court it would be equivalent to \$7,000 a month. If it was in court it would be equivalent to \$10,400 a month. I think that is adequate in these hard times.

“Thank you.”

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

“Madame President, I rise to speak in favor of this measure.

“Madame President, this measure came before the Judiciary Committee as it has in many years past. The reason is that the attorneys who are court appointed – taking cases which others will not, in essence – are compensated at the rate of \$45 an hour. That may seem to be a lot of money to a lot of people, but \$45 an hour is the total gross pay. Under the federal system, if you’re a court appointed counsel, you are paid \$90 an hour.

“I understand that there may be some concern about attorneys as to whether they’re worth any money. They do spend a lot of time in school. We spend a lot of time doing that, and we spend a lot of time working on these types of cases. And in this particular case, their fees are scrutinized.

“This measure was supported by the Judiciary because it is getting to the point where people are not willing to take court appointments because of the low compensation rate, and that’s the basis of this. It is not \$10,000, it is not \$9,000 a month. It’s \$45 an hour for what they would permit them for, and we’re asking that you at least meet the federal standard of \$90 an hour. That’s what this bill is about.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 698 was adopted and S.B. No. 611, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 699 (S.B. No. 635, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 699 be adopted and S.B. No. 635, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto rose in support of the measure with reservations and stated:

“Madame President, I rise in support with reservations.

“This measure proposes to use uncontested fines and forfeitures for the assistance of the judicial system. I feel a more efficient way to use these resources is to prevent, deter, and stop crime in earlier stages.

“A far more reaching impact on the community would be using these funds to upgrade the state of the art computer data system and reduce crime, real time statistics by the police department. A bill coming forward later, S.B. No. 399, with the COMSTAT system does that. Major cities across the nation have experienced great success, crime reduction, identifying and preventing drug problems.

“So I would hope that as this goes forward, upgrading the technological capacity of our law enforcement agency to combat crime would more effectively help and be a greater investment in the future of our State and for our people.”

Senator Kawamoto rose to speak with reservations on the measure and said:

“Madame President, I rise to speak with reservations.

“Again, I, too, am concerned about the unadjudicated fines and forfeitures of \$5 million that this balloon is going to take up. Five million dollars is about almost 90 percent of all total adjudicated fines. The total is about \$5.7 million.

“Also, we have another bill beside the COMSTAT. We have another bill that the police, HPD, wanted some support on the 311 program. They also were looking unadjudicated fines and forfeitures.

“So, as this bill goes forward, the money committee’s people have to decide how much of the adjudicated fines and how much of the unadjudicated fines can be used on this program. Thank you.”

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

“Madame President, I rise in opposition to the bill.

“Actually, this bill should not go forward, and it creates a new special fund – the courts problem solving special fund.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 699 was adopted and S.B. No. 635, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC FINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 700 (S.B. No. 1139, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 700 be adopted and S.B. No. 1139, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition to the bill.

"This bill does several things – all bad. It used to be a voluntary payment in this family court program for the kids first program. It's no longer going to be voluntary. It's going to raise the cost of the program from \$35 to \$50, and it no longer is going to be split between the two parties. It's going to be entirely the responsibility of the petitioner.

"I think, actually, while everyone talks about this program, no one really has evaluated or analyzed the worth of the program and its problem solving abilities.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 1139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Fukunaga).

Stand. Com. Rep. No. 701 (S.B. No. 1142):

Senator Taniguchi moved that Stand. Com. Rep. No. 701 be adopted and S.B. No. 1142, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition.

"It sounds great – we would all love to see people be involved with the process and come out and vote. I don't think this is the way to do it. It opens the door too far to allow fraud to come in.

"Later on in the calendar there's a bill in there to take your social security numbers off of the poll books. Anyone can come and get a driver's license in Hawaii and that would be good enough to get you registered to vote. Whether you live here, in Canada, the Philippines, South Korea, it doesn't matter. You can come here and vote as long as you've got a driver's license registering on that same day. Sure, you've got to fill out a little thing to attest to something, but despite the fact of how many people we already know accidentally register and vote . . . remember the other election they had a bunch of people that didn't do it intentionally but went down and registered to vote and voted. We have no idea what their total numbers are.

"It's too ripe for unscrupulous candidates to get people to go register and vote on the same day. You'd never catch it. And once those ballots are in the box, there's no way to sort them out or sift them out again. It's not the appropriate way to go.

"Not to belabor the point, but I'm sure all of us, deep down inside, would agree with the statement that it's much better to have an informed and qualified voter out there casting votes than just grabbing anyone and everyone off the street saying, 'Cast a vote. It doesn't matter who you vote for, just vote.' Well, if you haven't taken the time to find out what the issues are and what people stand for or anything else, I really question the wisdom in trying to get everyone in the State to vote if they haven't taken the time to become an informed voter. I realize this isn't the politically correct thing to say, but I think our government would operate at a much more efficient level if we had voters taking the time to become informed, not that I want to restrict anyone's right to vote – far from it. But this, as I said, goes too far in allowing the potential for tremendous abuse to occur."

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

"Madame President, I rise to speak in support of this measure.

"Madame President, this bill seeks to increase voter participation by allowing same day or election day voter registration. I think, as elected officials, we should be constantly seeking ways to encourage our constituents to participate in the electoral process.

"The reality is that interest in an election grows as the election draws nearer as the public receives more and more information about that election. Many of us are simply distracted by the needs of everyday life, and a citizen's need to vote may reach the level of action only after the registration deadline has passed. With our current practice of closing voter registration 30 days before the election, we exclude many potential voters from participation. This measure will allow citizens an opportunity to exercise their franchise by registering to vote at their polling place on election day.

"By removing this barrier to participation, we will be able to encourage more of our citizens to exercise their fundamental right to vote. We should make every effort to increase the rate of voter participation and I think this bill will help us do that.

"I encourage my colleagues vote 'yes.' Thank you."

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

"Madame President, I rise in opposition.

"I do agree that we need to look to other ways to encourage those to come forward to give them a way to franchise in the process. People work as volunteers in political parties, and I encourage their participation. That's very, very important. But one thing that I learned in my very small stint as a certified public accountant was that if there is just the appearance of conflict of interest, if there is just the appearance that there might be fraud, then the whole kit and caboodle is all messed up. This thing is rife with the potential for fraud.

"I think that we have learned throughout our history that in the election process, if there are those who want to finagle the rules, if there are those who want to get around the process, they will do it. There are so many easy ways to get driver's licenses, utility bills, or whatever it is that they're trying to get to use for

identification, and people who want to manipulate the process will have that ability. We have to have checks and balances in front. We have to have checks and balances in place.

"It's not enough to go down to the polling booth and sing Kumbaya and everybody is really thrilled that everybody got involved in the political process. There is the potential for fraud. We must be cautious. I urge you to vote 'no.'

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 1142, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Whalen).

Stand. Com. Rep. No. 702 (S.B. No. 1151):

Senator Taniguchi moved that Stand. Com. Rep. No. 702 be adopted and S.B. No. 1151, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition and go a little bit further out on this thin ice.

"I won't go through the whole history. I don't want to belabor it for those who already understand what's happening with the legal history of this. This bill, as I see it, tries to give the definition of revenues so that the intent of the bill that was passed earlier on gives OHA 20 percent of the ceded funds.

"I'm voting against it because one of the problems that we've had that we experienced the first go around, which I thought we would address this time, was not addressed. The revenues include all the gross money that's raised on the ceded lands and the various activities. However, it does not take into consideration the cost for the infrastructure and the other investment that the state has put into it.

"For instance, we build a house together and rent it out, and I give you half and I take half. While it was all my money and labor that built the house and we're partners, why do you get half? Shouldn't we factor in the mortgage I have to pay and everything else so we can come to the profit? Because really, the profit is the issue, not the gross amount. And in this particular case, there's no consideration for any of that in this bill.

"Secondly, we've already heard some talk about it earlier about the organic laws, etc., the Admission Act in particular describes that the ceded lands money is supposed to go to one or more of these purposes. Well, the purposes that address OHA are for Native Hawaiians and it describes it as those falling under the Hawaiian Homes Act. That's 51 percent. It's my understanding right now, OHA already commingles their money and there's a potential lawsuit there by the beneficiaries of the Hawaiian Home Lands classification of Native Hawaiians to say that they are wasting their assets on people who aren't beneficiaries of that trust. And this bill in particular says you take the ceded land money and you could use it for the general classifications under OHA, quite clearly violating the constitution or opening the door for another lawsuit.

"I can't support something that we're not addressing the problems that are facing us and it's more of a knee-jerk, politically correct reaction to a problem that we need to fix."

Senator Ige rose in support of the measure with reservations and stated:

"Madame President, I rise to speak in support with reservations.

"I share a lot of the concerns of the previous speaker. I would like to note that I'm one of the few members here who was part of the negotiations that resulted in Act 304. This bill really does nothing more to clarify the controversy surrounding the lawsuit by OHA.

"My understanding is that we're moving this bill along so that we can have a vehicle in place that should there be a settlement, we would have a measure to implement that settlement, and it's with those reservations that I'll be supporting it.

"Thank you."

Senator Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1151, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 703 (S.B. No. 1333, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 703 be adopted and S.B. No. 1333, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Whalen rose in opposition to the measure and stated:

"I rise in opposition, Madame President. Don't worry, I think I'm at the end of my road here.

"I speak against the bill because even if you read through the committee reports or in the bill itself, it talks about giving the judiciary branch the independence and the ability to operate without political influence. Our government's design, as all of us remember from our high school classes, has checks and balances. Each branch has powers and restrictions on it that are enforced by the other branches.

"The legislative branch, which is what we belong to, holds the purse strings. We in no way should give away that ability with automatic pay raises or somehow try to make another branch independent of what we're doing here because that is not the way our government is designed. There are a couple these bills in here to forward this process where pay raises, etc., automatically get done.

"I'm not going to give you a big speech about balancing the budget and not taking our proper fiduciary role. I speak in terms of, if we give away our only ability to be a check or a balance on another branch of government, what restrictions do they have anymore? It's the way our government is designed, and when we rip out the basic foundation and allow a branch of government to run its own way willy-nilly without our check that we have designed, we are forfeiting our proper role in government.

"I cannot support these types of bills because it is supposed to go through a political process. We are supposed to have the ability to reign in an unruly judiciary or an unruly executive branch, just as they are with their ability to overturn our laws, which our Supreme Court seems very free in what it does, and the executive branch in terms of how the money is expended.

"We already have one hand tied behind our back. Why do we want to cut off the other one? For those reasons, I would urge our members not to go down this road, and require these agencies to come in, just as we were talking about with the state librarian. We're unhappy with what's going on. We gave that ability away to allow the Board of Education to put that person in place – so be it. But now we have no control over how the money is going, where it's going, how it's being spent. That's been the big gripe, and the same with this. We should not use this as a mechanism to make our job easier."

Senator Ihara rose to speak in favor of the measure with reservations as follows:

"Madame President, I rise to speak in favor of this bill with reservations.

"My reservation is that I believe allowing a potential of a pay raise for judges every two years is going too far. I hope this will be fixed and perhaps make it maybe not every two years but a longer time period, but still sufficient enough to allow us to recruit excellent judges.

"Thank you."

Senator Taniguchi rose to speak in favor of the measure and stated:

"Madame President, I rise to speak in favor of this bill

"I know there were some concerns raised about the two year review of the judicial salaries. I was able to speak with the Finance Chair in the House and I believe he will try to amend this so that we can take it into Conference and have more discussion.

"This bill, along with the next one – the next one does have a defective date; this one does not. But he did provide verbal assurance that he would take this into Conference."

Senator Baker rose to speak with reservations on the measure and said:

"Madame President, reservations along the same lines as the Senator from Kaimuki."

The Chair so ordered.

Senator Hooser then requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 1333, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE JUDICIAL BRANCH OF STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 704 (S.B. No. 1393, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 1393, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 705 (S.B. No. 1410, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 705 be adopted and S.B. No. 1410, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition to the bill.

"We all have supported autonomy for the University of Hawaii. And as the good Senator from Waimanalo, Lanikai, Hawaii Kai, Portlock, Kauai and so forth and so on said earlier, autonomy brings with it responsibility and accountability. The University, however, my alma mater, has asked for autonomy except when it comes to paying the bills, then they come back to the Legislature and want us to pay their bills.

"I noticed that from one draft to the other, the cost of the bills and a number of claims continues to rise. So I'm for full autonomy to the University of Hawaii, including letting them pay for their own bills, deciding which ones that they will adjudicate.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 1410, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS AGAINST THE UNIVERSITY OF HAWAII AND PROVIDING APPROPRIATIONS THEREFOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Slom, Trimble).

Stand. Com. Rep. No. 709 (S.B. No. 516, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 709 be adopted and S.B. No. 516, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Aduja rose for a conflict ruling as follows:

"Madame President, I would like to request a ruling. This bill apparently proposes a potential conflict of interest.

"I am a member of a class of citizens that own a personal residential, noncommercial, recreational pier on Kaneohe Bay. My family and I reside in this house that was built in 1944. The pier that abuts the property was also built in the 1940s.

"As a member of this class of residents that have noncommercial, recreational piers, I am requesting, Madame President, for permission to vote on behalf of my district, as well as my family.

"Thank you."

The Chair responded:

“Senator Aduja, will you be affected financially? Will this bill affect you in any way directly financially?”

Senator Aduja replied:

“There is no personal gain.”

At this time, Senator Ige requested a recess.

At 3:07 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:11 o’clock p.m.

The Chair then stated:

“Senator Aduja, there is a no conflict ruling.”

Senator Aduja then rose and said:

“Thank you. Although there is no potential conflict of interest, there may be an appearance as such. Madame President, at this time, I request to be excused from this vote.”

At 3:12 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:13 o’clock p.m.

Senator Ihara rose with reservations and said:

“Madame President, can you note reservations for me. I have reservations about the retroactivity of this bill.”

Senators Ige, Baker, English, Fukunaga and Kim requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 709 was adopted and S.B. No. 516, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO KANEOHE BAY PIERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 712 (S.B. No. 643, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 712 be adopted and S.B. No. 643, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition.

“Madame President, reviewing the testimony and what’s actually found in the bill, the bill talks about protecting our bio-diversity and talks about encroachment by development and lands being paved over and houses being built, etc. But this bill doesn’t talk about that. It talks about going out into the wild land that we have and removing small particles of plants and things for them to experiment with medicines and other things to see if they can use it.

“Although we did give an exemption to UH, there are still private companies that would be interested in doing this, and has nothing to do with protecting our natural habitats or

anything else. If you look carefully at the testimony and the bill itself, this totally rises out of a dispute that OHA has with who should get the money when a company comes in and wants to remove little bits and pieces of plants and things to check things out.

“If we called it what it was, then we could discuss the issue appropriately. But trying to say that we’re protecting our bio-diversity by stopping this kind of thing is really not being direct or honest with what the real purpose behind this bill is. I don’t think we should operate in that direction so I’ll be voting ‘no.’”

Senator Ige rose to speak with reservations on the measure and said:

“Madame President, I just wanted to note my strong reservations also on this measure.

“I do believe that it’s overly broad and, as the previous speaker had spoken, it may have the unintended consequences of really shutting down lots of other private sector research that may be beneficial in the long run. So, I have strong reservations on this measure.

“Thank you.”

Senator Ihara rose and said:

“I support this bill with reservations, also.”

The Chair so ordered.

Senator Baker rose with reservations and said:

“Please note reservations along the lines with those of the Senator from Pearl City/Aiea.”

The Chair so ordered.

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 712 was adopted and S.B. No. 643, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BIOPROSPECTING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 713 (S.B. No. 719):

Senator Taniguchi moved that Stand. Com. Rep. No. 713 be adopted and S.B. No. 719, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to this bill.

“We are creating a special class. What the bill attempts to do is laudable, and it should be applied to everyone that is in business in the State of Hawaii that tries to ship things from one island to another. So if we would have the option of reducing wharfage on all outbound cargo, I could vote for it. But I can’t vote for one that separates out one class of business.”

Senator Aduja rose to speak in favor of the measure and said:

"Madame President, I rise in favor of this bill and in support.

"Open water fish farming or mariculture has proved itself, over the past years, to be an economically and environmentally sound method of growing rare types of warm water fish, such as Pacific Threadfin, known locally as 'Moi.' These delicate, flavorful fish were once reserved exclusively for Hawaiian royalty, but over-fishing of wild stock depleted them to such a level that they disappeared from the table. But now, thanks to Hawaii's Oceanic Institute, island fish farmers are able to breed moi commercially.

"The market price for fish are traditionally high in Hawaii. For the most part, this is because demand exceeds supply. Hawaii's large Asian population incorporates a high percentage of seafood in their diet and are willing to pay top dollar. Fish grown in sea cages are delivered to the shore faster than if they were caught wild, ensuring a fresh consistent supply.

"In terms of rural development, aquaculture can bring employment to the less populated neighbor islands. It is also a step towards sustainability for Hawaii, vital if transport routes were interrupted for any period of time.

"In terms of industry growth, some analysts, such as John Corbin, manager of the state's aquaculture development program, predict potential for a \$100 million industry. One thing is for sure – 'aquaculture is a global growth industry and Hawaii has some of the best untapped ocean resources in the world.' This is an excerpt from an article which was printed in Venture magazine, dated February 8, 2003.

"Madame President, given the potential of growth for this industry, as well as a sustainability, as well as the environmentally safe and sound reasons, I believe that this bill should be strongly supported by the State Senate, and I request my colleagues to also support it."

Senator Ihara rose in support of the measure with reservations and stated:

"Madame President, I rise to stand in support of this bill with one reservation.

"I support the reduced rates for the purpose of this bill. However, I do not think that the State should subsidize the reduced rates. I think these reduced rates should be no more than to cover the actual costs of the department.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 713 was adopted and S.B. No. 719, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 717 (S.B. No. 1435):

Senator Taniguchi moved that Stand. Com. Rep. No. 717 be adopted and S.B. No. 1435, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 1435, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE

REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 719 (S.B. No. 205, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 719 be adopted and S.B. No. 205, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition to the bill.

"The testimony during the committee hearing was that presently the state, the employer, provides two hours per semester or four hours year as a standard method of providing leave for the purposes of education, meetings or the health of children. It was also testified that there is flexibility if special needs arise. There was no one that presented any testimony written or in person that they had ever been denied the opportunity to take leave.

"This bill started out by mandating eight hours of paid leave. Now it's been amended to four hours of paid leave, but it is a mandate and this is something that should be more correctly allowed for collective bargaining.

"Thank you."

Senators Ihara and Hooser then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 205, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Fukunaga, Hemmings, Hogue, Ige, Kim, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 721 (S.B. No. 761):

Senator Taniguchi moved that Stand. Com. Rep. No. 721 be adopted and S.B. No. 761, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak against the measure and stated:

"Madame President, this bill, again, seeks outside counsel for the health benefits trust fund. I'm urging a 'no' vote. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 761, entitled: "A BILL FOR AN ACT RELATING TO THE HEALTH BENEFITS TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 722 (S.B. No. 762, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 722 was adopted and S.B. No. 762, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 723 (S.B. No. 765, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 723 be adopted and S.B. No. 765, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto rose to speak in support of the measure with reservations and said:

“Madame President, I rise in support with reservations.

“We do want to honor and appreciate the public servants that have toiled long and hard, but we must also be alert to unintended consequences of our action. If this measure passes as written, we could see an earlier exodus of our much needed and valued principals. Let’s look at other ways to help them and keep them in the system.

“Another bill did address their compensation as they move from 10-month employees to 12-month employees. The Department of Education testimony, which appears to be maybe the only agency that testified, says, ‘questions the ability of the state retirement system to fund the retired administrators’ as they retire earlier because most of them would be receiving the maximum 80 percent of retirement benefits, which would add to the woes of the retirement system. But also, there’s a real temptation or there could be a real temptation from some of our administrators to retire early and then receive double benefits, as some of you have addressed in the other issue that we moved today, in them retiring and then coming back into the system.

“So, we think this is certainly not a band-aid. This is perhaps pulling the band-aid off. So it’s a negative effect. I have grave reservations and perhaps we can look at other ways to deal with principals.”

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

“Madame President, I rise to speak in opposition.

“I do agree this is taking the band-aid off and causing a hemorrhage. Principals have been at issue in a lot of these bills and really allowing principals early retirement – 25 and out – really is just going to accelerate and exacerbate the problem.

“I really do think we need to look at educational offices in the Department of Education comprehensively and determine what it is that we need to do to ensure that we have qualified principals running our schools.

“For those reasons, I’ll be voting ‘no.’”

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

“Madame President, I rise in opposition to the bill.

“Maybe I was wrong earlier, Madame President. Maybe we do need a council and committee to get together and figure out what the heck we’re talking about when we pass all these bills.

“First we try to encourage people to take early retirement, then we try to raise their salaries. Then we try to bring them back and give them double dipping in terms of the pensions that they had before. You can’t have all three.

“If the incentive is to keep people hired and to pay them benefits and compensation that is fair and equitable and that we can afford, that’s one thing. But we’re sending all these mixed messages.

“This is a bad bill. It’s a bad precedent. It’s one of a number of bad bills, and we should vote it down.

“Thank you.”

Senator Hooser requested his vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Ihara rose to speak in support of the measure with reservations and said:

“Madame President, I support this bill. I have reservations similar to what the Senator from Hawaii Kai said, and I hope that there will be better coherence of the policy that the Senate supports when we get down to Conferencing at the end of the Session.”

“Thank you.”

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

“Madame President, I rise to support the measure.

“The measure originally started as a proposal to give principals who stay in the system an increased percentage on their retirement pension. Because of concerns that arose from the employees’ retirement system, we amended it to say that for an individual who served 10 years as principal after the effective date of this act, that they would be provided the retirement benefit of 25 and out.

“So the idea is to look at how can we get principals to stay in the system, and this measure would mean that an individual would commit to be a principal for 10 years where there are currently schools where no one is applying to be principal.

“We understand the work is still a work in progress and we are going to try and address the concerns raised by the members. Thank you.”

Senators Baker and Fukunaga requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 765, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE RETIREMENT ALLOWANCE FOR PRINCIPALS AND VICE PRINCIPALS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Ige, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 724 (S.B. No. 768, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 724 be adopted and S.B. No. 768, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to the bill.

“What this bill does is to interfere with Act 253 and collective bargaining and the discussion that we’ve had over the last several years revolving around the right to strike versus binding arbitration.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 724 was adopted and S.B. No. 768, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Hanabusa, Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Ihara).

Stand. Com. Rep. No. 725 (S.B. No. 773):

Senator Taniguchi moved that Stand. Com. Rep. No. 725 be adopted and S.B. No. 773, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak against the measure and said:

“Madame President, I’m urging a ‘no’ vote on this bill.

“It basically takes the calculation and uses an alternative base period for unemployment compensation. It will increase the cost of business. No employee pays any amount of unemployment compensation tax. It is a tax, not a contribution, on all employers with employees.

“Thank you.”

Senator Sakamoto rose to speak with reservations and said:

“Madame President, reservations and an insert into the Journal, please.”

The Chair having so ordered, Senator Sakamoto’s remarks read as follows:

“Mr. President, I would like to register my ‘with reservations’ vote on S.B. No. 773, SSCR 725. As a small business owner, I am saying: ‘Here we go again! Hawaii’s reputation as being unfriendly to small businesses is being emphasized.’ I support the intent of unemployment insurance benefits for those who need them. However, I have problems with S.B. No. 773, which would allow the use of alternative base periods for calculating unemployment benefits. The premise that twelve states have used the alternative base periods for determining eligibility for benefits should not be an overriding consideration because 29 other states have not used this method. In addition, the alternative method would result in an increase of 4 to 6 percent. Members, many struggling small businesses cannot afford this increase cost of operations. I therefore urge my colleagues to vote to seek to change this bill as we move forward on S.B. No. 773.

“Members Let’s work hard to keep employees employed. If we do that, our workers will not need to rely on well intentioned expansion of the unemployment insurance system.”

Senator Ige rose and said:

“I also have reservations on this measure.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 773, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT

INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Ihara).

Stand. Com. Rep. No. 726 (S.B. No. 787):

Senator Taniguchi moved that Stand. Com. Rep. No. 726 be adopted and S.B. No. 787, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senators Slom, Hogue and Trimble requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 787, entitled: “A BILL FOR AN ACT RELATING TO DISASTER LEAVE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 727 (S.B. No. 789, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 727 be adopted and S.B. No. 789, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Madame President, I rise in opposition to the bill.

“Basically what this bill would do is delay the implementation of the EUTF, which is supposed to go into effect on July 1 of this year.

“Thank you.”

Senator Hanabusa rose and said:

“Please note my vote with reservations. Thank you.”

The Chair so ordered.

Senator Sakamoto rose with reservations and said:

“Madame President, reservations as well.

“I think we need a global settlement of all these health related issues.”

Senator Kokubun requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 727 was adopted and S.B. No. 789, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

At 3:31 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:35 o’clock p.m.

Stand. Com. Rep. No. 728 (S.B. No. 797, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 728 was adopted and S.B. No. 797, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 729 (S.B. No. 936, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 729 be adopted and S.B. No. 936, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition to this bill.

"Here again we have a good intent and bad performance. This bill uses a vehicle, the unemployment compensation tax paid by employers, basically to redress problems and grievances by victims of domestic abuse violence and those that perceive that they are in danger from stalking and so forth.

"This is not a proper use of unemployment compensation benefits. Thank you."

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

"Madame President, I also rise in opposition to this measure.

"Certainly, employers are . . . we're trimming, taking fibers off our bridge on top and bringing it down for the safety net. Employers are increasingly becoming secondary victims of domestic violence if they're left to foot the bill and are required to pay unemployment benefits to individuals who voluntarily left their employment.

"Many counselors, I'm sure, would say that a stable employment environment would really help people who face these problems at home or in the family. So this incentivises the wrong thing.

"There are additional comments to be placed in the Journal, please."

The Chair having so ordered, Senator Sakamoto's remarks read as follows:

"Madame President, I rise in opposition to this measure.

"The purpose of unemployment benefits is to provide temporary financial assistance to workers who are unemployed through no fault of their own. Unemployment insurance benefits are paid as a matter of legal entitlement and past employment, and not on the basis of need. In Hawaii, employers pay all the costs of unemployment insurance through a payroll tax or reimbursable basis. Employees do not pay any part of their wages to finance the program.

"Typically, you are disqualified for unemployment benefits if you voluntarily quit your job without good cause. Employees who voluntarily quit their jobs forfeit any unemployment benefits unless they show good cause, which does not include domestic violence.

Employers are increasingly becoming the secondary victims of domestic violence if they are left to foot the bill and required to pay unemployment benefits for individuals who voluntarily left their employment.

"Many counselors would say that stable employment environment would help a person facing problems at home or in the family.

"Thank you."

Senator Baker rose to speak in support of the measure and said:

"Madame President, I rise to speak in support of this measure.

"Unfortunately, domestic violence is all too real an occurrence in our State, and when that happens, occasionally the victim of domestic violence, the victim of a stalker may have to relocate immediately. That means a voluntary separation from work. It's not through any fault of the victim.

"This measure really plugs a puka and makes it possible for the victim to restart – usually, the victim is female – to restart her life in another location and provides a necessary safety net in order to do that.

"We're not talking about lots of people. It's not going to be a huge cost to business. But it could very much be that part of the safety net that ensures that this victim doesn't become a statistic.

"Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 729 was adopted and S.B. No. 936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS' UNEMPLOYMENT BENEFITS ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hemmings, Hogue, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 730 (S.B. No. 1065):

Senator Taniguchi moved that Stand. Com. Rep. No. 730 be adopted and S.B. No. 1065, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, I rise in opposition to the bill.

"Again, this is a bill that's a frontal assault on Act 253 and also on privatization as an option. Managed competition is a fancy term for again maintaining government and unionized control and not allowing government to have that option of financial independence through competition and privatization.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 730 was adopted and S.B. No. 1065, entitled: "A BILL FOR AN ACT RELATING TO MANAGED COMPETITION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 731 (S.B. No. 1155, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 731 was adopted and S.B. No. 1155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 735 (S.B. No. 1438):

Senator Taniguchi moved that Stand. Com. Rep. No. 735 be adopted and S.B. No. 1438, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Madame President, though this may sound like heresy to the Majority Party, I stand in opposition to this legislation, S.B. No. 1438.

"We have to take a serious look at the reality of Hawaii's economics. By voting no, we're sending a strong signal out to the executive branch of government that we do not have money to pay for pay raises for collective bargaining. We have stood fast, your loyal opposition, to hiring more people and spending more money by a state that technically may be deemed bankrupt – that is, our cash flow in the future will not meet our income unless we raid special funds, including the hurricane fund.

"Some may argue that by voting against any future pay raises which are being negotiated now, that we're interfering with the negotiation process in the executive branch of government. Two points: (1) it's our duty. They negotiate. We appropriate. We hold the purse strings to state government, not the executive branch of government. (2) I would submit to you that giving a blank check sends a clear signal to public labor unions that this Legislature will do what was all too often in the past – rubber stamp the executive branch collective pay increases.

"We have to look at what's going on in the economy to understand why we have to be responsible. We just saw the other day that private sector labor unions, besides not getting a pay increase, are actually giving money back, collective bargaining money back to their companies. Hawaiian Airlines just received that in order to stay in the air.

"Private sector companies are laying people off all over this State. Other labor unions are going without pay raises. I would think that the public workers, for the sake of the welfare of this State, would want to share in the burden that is being cast upon everybody else in this State.

"All too often, we have to make difficult choices, and this is a difficult choice for me, but we've said no to pay raises for other executives and we will probably say no to increased pay raises for the leaders in state government.

"It also has to be pointed out, as a matter of record, that over the last 10 years or so, labor unions, in spite of being in one of the slowest economies in the nation, in spite of the tragedies and economic downturn of 9/11, have received pay raises 20, 30, 40, 50 percent in their accumulative effect in just five short years. This, while the people of Hawaii who pay these bills suffer.

"The benefits – oftentimes we talk about salaries of public workers, and of course we can make the figures or adjust them to reach our conclusions, but no one will deny that besides adequate salaries, in some cases good salaries are supplemented by the most benevolent benefit package probably in the nation – the greatest number of days off – paid for; one of the greatest amounts of sick leave in the country – paid for; health insurance – with a health insurance law that is so onerous to the private sector that they're forced to hire people part-time.

"For once, let's exercise some independence and send a signal to organize labor to work with the suffering people of Hawaii and freeze salaries for two short years in order that we can get on our economic feet again and proceed with the business of the State.

"In closing, colleagues, I find it absolutely incredible that the first funds that we cut from the budget are the money for the truly disenfranchised in our society. The purchase of service and grants-in-aid people that crawl on their hands and knees into our committee hearings and beg us for money for the abused, for the homeless, for those in our society who, through no fault of their own, suffer greatly. Why are they always the first ones we cut out of the budget while we rubber stamp, without ever questioning, pay raises?

"I will be voting 'no' on all the collective bargaining allowances with the exception of fire fighters and police. That's a county issue, number one.

"We don't even have an idea of what the collective bargaining will result in, but we do know we're in uncertain economic times. We don't know what the future holds. We may be obligating ourselves to bills we most assuredly cannot pay.

"I urge my colleagues . . . I don't think you're going to change your votes now – but I urge you to give consideration to this concept that we have the public employees join the rest of the people of Hawaii and share the burden of these bad economic times. That's the fair thing to do.

"Thank you, Madame President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 735 was adopted and S.B. No. 1438, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Ige, Whalen).

Stand. Com. Rep. No. 736 (S.B. No. 1439):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 736 was adopted and S.B. No. 1439, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 737 (S.B. No. 1440):

Senator Taniguchi moved that Stand. Com. Rep. No. 737 be adopted and S.B. No. 1440, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

“Madame President, I rise to speak against S.B. No. 1440.

“Madame President, this is a clear illustration of the point we’re trying to make. We all know what a wonderful job the majority of our teachers do. We also know that their pay compensation is about in the middle, as far as the national average goes. We also know that they’re in negotiations right now.

“By passing this bill, we’re giving negotiators on behalf of the HSTA a blank check and sending a signal to them. We don’t have to do what the executive branch of government does, but we all know we don’t have the money to pay for their collective bargaining increases, unless we beg, borrow or steal it from other funds and things.

“So, the conscientious thing to do is to vote ‘no’ and vote the reality of the marketplace in the state treasury. Thank you, Madame President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 737 was adopted and S.B. No. 1440, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 738 (S.B. No. 1441):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 1441, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 739 (S.B. No. 1442):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 739 was adopted and S.B. No. 1442, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 740 (S.B. No. 1443):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 1443, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout,

passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 741 (S.B. No. 1444):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 1444, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 742 (S.B. No. 1445):

Senator Taniguchi moved that Stand. Com. Rep. No. 742 be adopted and S.B. No. 1445, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

“Madame President, I rise to speak against S.B. No. 1445.

“It is only appropriate that if we say we don’t have enough money to pay for collective bargaining increases, that we do not have enough money to pay for executive salary increases. Hopefully in two years this will all change, but I would urge my colleagues to consider a ‘no’ vote on this legislation.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 742 was adopted and S.B. No. 1445, entitled: “A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 744 (S.B. No. 747, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 744 be adopted and S.B. No. 747, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Baker rose and said:

“Madame President, may I have remarks in support of this measure inserted into the Journal?”

“Thank you.”

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Madame President, I rise to speak in support of S.B. No. 747, S.D. 1, which enacts an assignment of payment law for dental benefit plans. Affordability and accessibility of adequate dental care are continuing problems in our State. The lack of proper dental care can lead to poor oral hygiene, increased medical costs, and a deterioration in one’s general health and well being.

“One of the key elements in combating the spiraling effect of insufficient dental care is to improve access to dental services. One way to achieve this is by providing patients with greater flexibility in selecting a dental care provider and then giving patients the option of having their insurance reimbursement sent directly to their dentist whether or not the dentist participated in the patient’s dental plan. Often, if a patient selects a non-participating dentist, the patient must pay for all procedures in advance, which puts an unnecessary burden on the patient. By granting patients the liberty to choose providers and payment options, the patient is better equipped to make decisions that affect their health. Patients with emergencies or serious dental problems will also be in a better position to obtain and pay for the treatments they need.

“Both patients and dentists recognize that the reimbursement rate will be less for a non-participating dentist. However, personal preference and other circumstances may lead a consumer to choose a non-participating dentist and that should be their option.

“This measure does not require reimbursement parity between participating and non-participating dentists. It provides an option to the patient, the consumer. The dental health plan retains its purview over reimbursement levels and quality assurance matters.

“In 1997, the Legislative Reference Bureau (LRB) conducted a study on this matter and concluded that there were no harmful effects in the states that allowed direct assignment to the provider. In fact, half the Blue Cross/Blue Shield and Delta Dental Plans that LRB contacted for the study routinely allowed assignment of payment. The LRB recommended the enactment of such a statute in Hawaii.

“Mr. President, it is time to act on this recommendation. I urge my colleagues to vote ‘aye’ on this measure. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 744 was adopted and S.B. No. 747, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 746 (S.B. No. 1321):

Senator Menor moved that Stand. Com. Rep. No. 746 be S.B. No. 1321, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

“Madame President, I rise to speak in opposition to this bill.

“This bill would expand the list of mandated mental health benefits and allow unlimited number of visits to the doctor each year for mental health. Under our current system, we are allowed as many as 40 visits a year, which seems to be enough for most folks. These unlimited visits wouldn’t be as big of a problem with the current mandated mental health benefits because they’re biologically based conditions that are largely treatable with medicines or defined treatment protocols. So, most doctors would limit the number of visits, as I mentioned like the 40 a year, to conform to these protocols.

“For the new mandated benefits, such as major depression, delusional disorders and so on, do not have these standard

protocols. The patients could wind up seeing their doctor several times a week for years on end, without significant improvement in their condition.

“This bill is ripe for abuse of utilization and consumers will end up paying the price. I think we’ve all seen what has happened in Felix, and essentially, we are opening the door to that kind of a Pandora’s box.

“I’m voting ‘no.’ Thank you very much, Madame President.”

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

“Madame President, I rise in support of this measure.

“Unlike the doomsday tone of the previous speaker, this measure won’t break the bank; it provides mental health parity. This means that whatever the limitation is in the plan for other illnesses, mental health falls within those limitations.

“In states that have provided mental health parity, they’ve not seen a rise in insurance costs. As a matter of fact, they’ve seen it go down because the patient has been able to access care earlier, access less expensive care, and it just makes good sense that we try to treat illnesses at an early stage rather than waiting until they become emergency cases requiring more expensive, acute care.

“All of the testimony that we heard, when your Health Committee heard this measure, was in support. The example in other states bares it out. This is the right move to make at the right time to ensure that for persons with mental illnesses, their diseases are treated just the same as other illnesses that we currently cover.

“Thank you.”

Senator Hogue rose and said:

“Madame President, just to correct the previous speaker, there was a good deal of testimony in opposition. I just want that to be noted for the record. I don’t have the list here in front of me but I do recall that HMSA, business groups, etc., we’re in opposition. So I think it’s overstating it to say that everyone was in support.

“Thank you very much.”

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

“Madame President, I also stand in support of this measure.

“I, too, like the Chair of the Health Committee, support this measure. I’m glad to see that we are actually getting the support of our executive as well. The Governor personally came down to testify in front of our Health Committee, very much understanding the issue and supportive of passage of this measure.

“I believe it’s about time that we do have parity and in states where there have been parity, we have seen good progress.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 1321, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH,”

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Trimble).

S.B. No. 1549, S.D. 1:

Senator Menor moved that S.B. No. 1549, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

“Madame President, no need has been demonstrated for this bill. It appears to be going and undoing a step that we took a couple years ago. Therefore, I’ll be voting in opposition to this bill.”

The motion was put by the Chair and carried, S.B. No. 1549, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 1553, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 1553, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1364, S.D. 1:

Senator Baker moved that S.B. No. 1364, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose to speak in favor of the measure with reservations and said:

“Madame President, I rise to speak in favor of this bill with reservations.

“As noted in testimony, a state judge by the name of Ken Enright, who I’m sure all of us have seen testify before us in committee, a learned gentleman and I think usually gets directly to the point, testified that this bill would remove substance abuse for grounds for involuntarily sending someone to the hospital or for psychiatric evaluation.

“The police could force someone on drugs to be taken for a psychiatric evaluation if they appear to pose a threat to others or themselves, but, as he noted in the evaluation, showed the person did not have a mental illness that could not be involuntarily hospitalized despite the threat that they pose. Obviously, we do not want people out there who are high on ice that we cannot send to a psychiatric facility because we’ve allowed something to slip through the cracks here. That’s my first reservation.

“The second one is that, and I believe it was inadvertent, this bill was not referred to the proper committees. It only went to Health. It should have gone to Judiciary because it has a huge impact on the law enforcement community. Therefore, I note those reservations.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 1364, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1070:

Senator Kanno moved that S.B. No. 1070, having been read throughout, pass Third Reading, seconded by Senator Ihara.

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

“Madame President, I rise in opposition to the bill.

“This is a workers’ compensation bill that would raise the cost of workers’ compensation and would also diminish the choices of the employer.

“What happens right now if the employer wants an independent medical examination, the employer picks and pays for that examination. This bill would require that if there were a subsequent or reexamination, then the employee must give consent. If the employee doesn’t give consent, the DLIR must maintain a list of physicians and must choose a physician for the employer.

“Again, in all cases, the employer is paying for the examination. Therefore, it is patently unfair and it will add a cost to business.

“Thank you.”

Senator Espero requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1070, entitled: “A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Hemmings, Hogue, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Ige).

S.B. No. 1426, S.D. 1:

Senator Kanno moved that S.B. No. 1426, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Hanabusa requested her vote be cast “aye, with reservations,” and the Chair so ordered.

Senator Sakamoto rose to speak with reservations and said:

“Madame President, with reservations and I’d like comments inserted.”

The Chair having so ordered, Senator Sakamoto’s comments read as follows:

“Madame President, I rise in support but with reservations to this legislation.

"It is a fact that substitute teachers are 'casual employees' who are hired on an as-needed, on-call basis. Not all substitute teachers are fully 'qualified,' and may possess only a few years of college courses. Some may not even be teacher-qualified in regard to experience, education and qualifications. They are not required to prepare lesson plans, or, in some cases, to carry out non-instructional duties of a teacher. They are strictly in the classroom to carry out the plans of the regular teacher and keep order in the classroom. To afford them the same union benefits as teachers, with the benefit of striking, is a gross misjudgment of the duties of substitutes as well as their ability to perform the full, expected, duties of the qualified teacher."

The motion was put by the Chair and carried, S.B. No. 1426, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Fukunaga, Ige).

S.B. No. 396, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Hooser and carried, S.B. No. 396, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 4:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:03 o'clock p.m.

S.B. No. 1284, S.D. 1:

Senator Fukunaga moved that S.B. No. 1284, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak in support of the measure with reservations and said:

"Madame President, I speak in support of the measure with reservations.

"Ever since the small business regulatory flexibility act has been passed, we've given it short shrift. We took away, for example, the small business advocate and small business defender portion of the bill. The review board that was supposed to have been activated right away took more than a year for the Governor to appoint those individuals. And then when they came up with recommendations, they were usually deep-sixed and no one has given them respect.

"At this point, it looks like there are going to be some changes for both the act and for the review panel. But one of the key provisions was the impact statement which says that if legislation is proposed, there has to be an impact statement as to what the effect will be on small businesses. Part of this bill actually waters down and exempts certain issues and certain legislation from that impact.

"So, I will support the bill because I support the act and support the review board, but it does need further strengthening.

"Thank you."

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

"Madame President, I rise to speak in support of S.B. No. 1284, S.D. 1.

"In response to the comments by the prior speaker, the request to remove the section dealing with the statement on the rules was made by many of the small businesses and those who are participating with the small business regulatory flexibility panel. Therefore, I believe that many of his concerns will be addressed as this bill works its way through the process."

The motion was put by the Chair and carried, S.B. No. 1284, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1109, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Inouye and carried, S.B. No. 1109, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPENDENT ADULTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 549, S.D. 1:

Senator Inouye moved that S.B. No. 549, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

Senator Aduja requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hooser, Ihara).

Stand. Com. Rep. No. 772 (S.B. No. 255, S.D. 2):

Senator Inouye moved that Stand. Com. Rep. No. 772 be adopted and S.B. No. 255, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 255, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 773 (S.B. No. 1619, S.D. 2):

Senator Inouye moved that Stand. Com. Rep. No. 773 be adopted and S.B. No. 1619, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Chun Oakland rose and said:

"Madame President, I would like to declare a potential conflict of interest in this bill. My father-in-law is the owner of the motor sports facility that would benefit from this measure should it pass.

"I would like to be excused from voting and request that I be permitted to leave the Floor during this vote."

The Chair so ordered.

Senator Ige rose to speak in support of the measure with reservations and said:

"Madame President, I rise to speak in support of this measure with strong reservations.

"I do believe that motor sports and a motor sports facility can add value in our efforts to diversify our economy. I am troubled by the fact that this measure identifies a specific parcel and a specific tax owner that would get the benefit from any tax credit should we decide to grant one.

"For those reasons, I have strong reservations and hope that if this bill is to proceed through the process, that we would consider not designating a specific land parcel to benefit from this measure.

"Thank you."

Senators Baker, English and Tsutsui requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 1619, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hooser, Ihara). Excused, 1 (Chun Oakland).

Stand. Com. Rep. No. 774 (S.B. No. 1040, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 774 be adopted and S.B. No. 1040, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

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

"Madame President, I rise in opposition to the bill.

"This is another mandated bill for the TAT. It requires 10 percent of excess revenues to be deposited into the park, land, and trail fund. It also removes the current \$500,000 ceiling on the amount in the special fund that can be used for trails and access.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 1040, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 775 (S.B. No. 85):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 85, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Baker, Fukunaga, Hooser, Ihara, Trimble).

Stand. Com. Rep. No. 778 (S.B. No. 463, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 778 be adopted and S.B. No. 463, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senators Ihara, Baker, Fukunaga, Hooser, Ige and Kokubun requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 463, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAHO'OLAWA ISLAND RESERVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (English).

Stand. Com. Rep. No. 781 (S.B. No. 690, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 781 be adopted and S.B. No. 690, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Madame President, I rise in opposition to this measure.

"I don't think that one of the qualifications for a candidate should be either his ability or his desire to use the Internet to communicate. For that reason, I oppose this bill."

Senator Sakamoto rose to speak in support of the measure with reservations and said:

"Madame President, I rise in support with reservations.

"This bill, as stated, would require all candidates in the State House and the State Senate to file electronic campaign reports and to strengthen administrative policies and also increase criminal penalties.

"We wonder why the public is turning away from the voting booth. We wonder why we cannot find more qualified candidates. Candidates with volunteers enter the public arena to participate in a system that's supposedly for liberty and freedom. Now we propose to put them up against bureaucracy, put the up against 'ease' of the system, 'ease' of Campaign Spending Commission, or whatever. They're faced with a higher hurdle to participate.

"Felony indeed, who will be the first volunteer treasurer to be the poster boy?"

Senator Hogue rose to speak against the measure as follows:

"Madame President, I was going to vote with reservations, but the good Senator from Moanalua gave such and impassioned speech, he talked me into a 'no.' Thank you very much. Maybe he even talked himself into a 'no.'

"Thank you."

Senator Kawamoto rose to speak in favor of the measure and said:

"Madame President, I rise to speak in favor of the bill.

"Madame President, This bill came to our Committee, got tossed around, got moved around, and then was deferred and was brought back in. Primarily, the concern was that all candidates file electronically. We made it so that those that cannot, did not have equipment, capability was not there to file electronically, we tossed around the idea of a voluntary type activity. But Mr. Watada in Judiciary indicated that if anybody doesn't file or makes a mistake or whatever, he will not pursue any kind of criminal activities. I think we put that in the committee report, the Chair of Judiciary, I believe so.

"Those kinds of concerns are not there, so I urge all my colleagues to vote 'aye.'

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

"Madame President, I'm going to speak in support.

"Having served on the council for four years, as you are perfectly aware, this is a requirement that county councils have had for some time in terms of electronic filing. I think the public really appreciates the openness that posting on the Internet offers. So I speak in support of the bill.

"Thank you."

Senator Slom rose to speak in support of the measure with reservations and said:

"Madame President, I support the bill with reservations.

"The reservations have to do with, as being one of the co-chairs of the Macintosh users group in the Legislature, the only true freedom-loving people, we have been discriminated against, Madame President, year, after year, after year, after year. This is now my seventh year and seven years ago the Campaign Spending Commission said we will develop software. Did we not, members? We will develop software for you Mac users. But have they done so? NO, they have not!

"So I think that we should make this a major priority and I think this shows bipartisan support and folks really getting together using our mouse.

"Thank you, Madame President." (Laughter.)

Senator Hemmings rose to speak against the measure and said:

"Madame President, I rise to speak against S.B. No. 690, S.D. 1.

"The good Senator from God's country announced another good reason why we should vote against this legislation. Basically, he told us we're going to pass a law that the Campaign Spending Commission is not going to enforce.

"Thank you, Madame President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 690, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Trimble).

Stand. Com. Rep. No. 783 (S.B. No. 1051):

On motion by Senator Hanabusa, seconded by Senator English and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 1051, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Baker, Chun Oakland, Fukunaga, Ihara).

Stand. Com. Rep. No. 784 (S.B. No. 1418, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 784 be adopted and S.B. No. 1418, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Kanno requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 784 was adopted and S.B. No. 1418, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1248, S.D. 1:

Senator Sakamoto moved that S.B. No. 1248, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Hogue rose to speak in favor of the measure with reservations and said:

"Madame President, I rise to speak in favor of this measure with reservations.

"I'm concerned that we're going to be mandating SCBMs, that's school community-based management. I think all of us can attest to both the successes and the many failures of the SCBM system, and I'm quite concerned that we are mandating that every school go to SCBM by 2006, 2007.

"You can note in the committee report that there's been a little bit of a hedge on that. Hopefully, a lot of the hedging will be going on. If we are actually looking towards local control, we certainly do not want to be mandating something.

"Thank you very much."

The motion was put by the Chair and carried, S.B. No. 1248, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL/COMMUNITY-BASED MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 327, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROCUREMENT OFFICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 798 (S.B. No. 913):

Senator Taniguchi moved that Stand. Com. Rep. No. 798 be adopted and S.B. No. 913, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto requested a ruling from the Chair as follows:

"Madame President, I rise to ask for a ruling on a potential conflict.

"I'm owner of a small business that furnishes hurricane protection and this measure, as well as SSCR 886, S.B. No. 344, deal with hurricane mitigation devices."

The Chair ruled that Senator Sakamoto was not in conflict.

Senator Slom rose in opposition to the measure as follows:

"Madame President, I rise in opposition to the bill.

"Last year, this body, after 16 of our colleagues had signed a pledge not to touch the hurricane fund, helped hijack the interest money out of the fund. What this does is to take that money and to utilize it for a specific objective – in this case, lost mitigation or hurricane mitigation.

"I don't think there's anything at all wrong with hurricane mitigation. I think it should be the responsibility of individual homeowners. We can provide a tax credit or other incentives for it. In any event, it should be funded out of the general fund and should not touch the hurricane relief fund or the interest that we've taken from it."

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

"Madame President, I rise in opposition to this measure.

"I, too, like the good Senator from Hawaii Kai have no problems with a loss mitigation grant program. However, I think as a matter of policy, that to be using the hurricane fund for anything other than returning the money to those homeowners who paid into it, is really bad policy.

"I will go even further than that. My concern is that a little political football is going on right now, and I know a little thing or two about football. And I can tell you that in this particular game, I have a feeling that tax increases are being proposed, and with enough people using their crocodile tears, etc., about the tax increases and about budget cuts, that ultimately, what will be attacked is this hurricane fund.

"If we're going to attack the hurricane fund at all, it should be attacked in the way it should have been in the first place, and that's giving it back to the people that paid into it. So, I'm really disappointed that we're even bringing it up at all and so I really think that we really need to redirect our policy in the right direction.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 798 was adopted and S.B. No. 913, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LOSS MITIGATION GRANT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Aduja, Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 799 (S.B. No. 1055, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 1055, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

At 4:22 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:40 o'clock p.m., with the President in the Chair.

Stand. Com. Rep. No. 807 (S.B. No. 3, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 807 be adopted and S.B. No. 3, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 807 was adopted and S.B. No. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NORTH HAWAII COMMUNITY HOSPITAL, INC.," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Ihara, Kim).

Stand. Com. Rep. No. 808 (S.B. No. 325):

Senator Taniguchi moved that Stand. Com. Rep. No. 808 be adopted and S.B. No. 325, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 808 was adopted and S.B. No. 325, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Ihara, Kim).

Stand. Com. Rep. No. 812 (S.B. No. 1068, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 1068, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE FACILITIES," having been

read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Ihara, Kim).

Stand. Com. Rep. No. 813 (S.B. No. 1088, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 813 be adopted and S.B. No. 1088, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this measure.

“This measure establishes a long term care social insurance program and creates long term care income tax rates, manner of payment, etc., for long term care benefits.

“Mr. President, I’m not against our senior friends and other potential beneficiaries of long term care, but I am opposed to S.B. No. 1088, which would impose this income tax as a means to finance long term care.

“Don’t get me wrong, I do support principles of long term care for all and the attempt to relieve the financial strain of our many seniors, however, I’m opposed to this measure. This isn’t the way to fund the spiraling costs of long term care and medical costs.

“The last thing, I do support tax credits or tax deduction incentives. Those make more sense at this time. Thank you.”

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

“Mr. President, I rise to speak in support of this measure.

“As the previous speaker noted, this bill would establish a long term care social insurance program, setting the tax rate to pay for it, the manner of payment, and the benefits for the program. The national expenditures for long term care services for persons age 65 and older is expected to grow through the year 2040, according to the congressional budget office study of March ’99. Why? Our population is aging. As we age, we more likely will need to access some kind of services because many of us will develop functional limitations.

“We baby boomers are beginning to age; we’re going to reach age 65 in the year 2011, not too far from now I’m sorry to say. We have better health. We’re living longer. As a result, our aging population is growing and we’re going to need additional long term care. We don’t have enough services in our State.

“In Hawaii, if we just look at the numbers, it’s estimated that by 2020, persons age 65 and older will represent more than one-fourth of Hawaii’s adult population. The rapid growth of the elderly and disabled population will result in extraordinary demands on the delivery of long term care services, already in short supply.

“In addition, many baby boomers will also choose to age in place, desiring services to stay in their homes or in a community-based assisted living facility. And here again, these services and those caregivers are in short supply. These services can be expensive, and as costs continue to rise, entire families will be affected by the financial cost of providing care for those who are limited in the number of activities of daily living that they can perform independently.

“Pursuant to the actions of the 2002 Legislature, the temporary board of trustees for the long term care financing act studied a proposal for a tax collection program, a tax rate and benefit schedule for an actuarial sound long term care social insurance program for Hawaii’s taxpayers. I would like to thank the members of that temporary board of trustees for their dedication – they were all volunteers – and for their hard work over the past year. The measure before us is one result of their efforts, and like many of the measures, it continues to be a work in progress.

“The measure before you provides a basic benefit at a minimal cost and will supplement other programs, stabilizing costs of our Medicaid program as well. It will enable critical community-based services to grow. Hawaii’s aging population is growing faster than the national average. It is even more imperative that we take up this issue now and act. There is an urgent need to develop new revenue sources to help pay for the care of the elderly and disabled. This is one approach and one approach that needs to move forward and have our utmost consideration.

“S.B. No. 1088, S.D. 2, although a work in progress, will enable more individuals to access resources to cover their long term care services.

“Mr. President, this measure is one we’ve thought about, worked on, debated since I was in this body before. Its time has come. It’s time for us to move this measure forward.

“Thank you.”

Senator Hogue rose in opposition also and said:

“Mr. President, I rise in opposition to this measure.

“In the spirit of David Letterman, I give you 10 good reasons to vote against this bill:

10. It pays benefits of only \$70 a day, which is hardly anything in today’s market.
9. This creates a fund that can be attacked, much like the hurricane fund.
8. It’s a disincentive to buy real long term care insurance that would really pay the bills.
7. These taxes would immediately start flowing into a special fund but people wouldn’t get full benefit for 10 years.
6. This bill takes money from young people who tend to have few assets and transfers it to older people who tend to have the most assets, unfairly penalizing the least affluent members of our society.
5. This bill would force people with little likelihood of using the benefits to pay the same rate as the highest likely utilizers in violation of the most basic insurance underwriting precepts.
4. This bill would result in government taking over a thriving private sector line of business – hardly a good idea.
3. This is an extraordinarily regressive tax. It lays the heaviest burden on the poorest people in our society, people who are already struggling to make ends meet.
2. The real tax rate would eventually rise to whatever the program actually costs, with the Legislature changing the law to match the actual tax rate needed.
1. The number one reason to oppose this measure – it’s a massive tax increase with the teaser rate of \$10 a month rapidly rising to at least \$26 a month by the year 2012, taking hundreds of millions of dollars with it.

"For these 10 reasons, Mr. President, I hope and urge everyone will vote 'no.' Thank you."

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

"Mr. President, I stand in support of this measure.

"In the last decade, we estimated from the census that about 30,000 older adults had some form of frailty. In the latest census, the estimate has risen to 74,000 people. How can there be so many people with so many needs that remain invisible?

"The bulk of long term care does not take place in a building or a facility, although most facility-related care takes a disproportionate share of public funds due to the high cost of housing disabled persons. In Hawaii, we have proportionately very large numbers of people in the higher age brackets. Other areas will not see the situation for years to come. In the meantime, our problems are here and now.

"The plan before you this Session is sound fiscal and social policy. It is simple, effective, market-oriented, and consumer driven. It is affordable and cost efficient. It stimulates the private insurance market to develop new and affordable supplemental plans.

"What will this plan do? It will put money in the hands of those who need the care, thus providing the frail elderly and disabled and their families with some degree of control and choice in caring for their loved one. It will allow people to stay at home longer than might otherwise be possible because they will be able to purchase services or products that will make staying at home an option. It will provide some efficiency in that lower cost care will be delivered in the lowest cost setting. It will protect precious public dollars for truly needy people. It will slow the growth of the Medicaid program that will soon be overburdened by the demands being placed on it by aging baby boomers. It will alter the public's expectation of and reduce reliance on Medicaid as the major payer of long term care in this country. It will encourage people to plan and pay for their own long term care needs. It will stimulate providers to meet consumer demand for new products and services. It will motivate the private long term care insurance industry to develop affordable plans to link to the state's basic plan. It will promote strong private sector oversight by requiring that the local community and business leaders govern the plan and manage the trust fund. It will educate the public about the plight of our elderly, disabled and their families.

"What won't the program do? It won't solve all the problems of a seriously underfunded and underserved system, and it won't eliminate completely our reliance on Medicaid to pay for the care of our sickest elderly.

"What happens if we do nothing? But if we don't act now, our failure will be met by a crisis in a very few short years. It is irresponsible to expect the Medicaid program and therefore the taxpayers to continue to fund this healthcare system virtually in its entirety, especially as we move into the high use years of the baby boomers.

"The needs of the elderly will overshadow the needs of the young and more important programs such as education. Taxpayers have a right to know what our long term care system is costing them today and how that expense is expected to rise in the future.

"I hope this body considers this measure and I urge your support. Thank you."

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

"Mr. President, I rise in opposition to this measure.

"We've been here before. We've debated this issue before. Actually, some of us debated this issue more than 12 years ago when it was called project hope. And the same people that were pushing it then are pushing it now. It has always been a tax program. It has always been a government controlled program. It's never been social insurance. There's nothing sociable about it. There's no insurance about it. It is a government tax! It represents the largest tax in Hawaii's history on top of already high burdensome taxes.

"You heard the top ten list. You heard the list of wonderful things that this might do. One of the things that I want to address is the idea of the actuarial requirements. I've only seen one actuarial study that was done on this plan. It was done two years ago and it showed that in fact it would not work, could not work, that the numbers, the numbers, do not add up. If we don't take that study, let's look at any government program that we have. Let's compare the original estimates made, debated on this Floor, with what the cost would be.

"You heard today, for example, we were talking about multi-track and how that was going to save us money. Sure, it may have saved us money in facilities, but then there was on the other end in management costs and personnel costs, much more increases. Every time we estimate something here, we find that the actual costs go up and up and up. And who's got to pay that? Additional taxpayers while we take other taxpayers off the roll.

"We heard the term 'choice' used, and that's interesting because what this really does is deny consumers' choice. It forces everyone into a one size, one fits all mode, just like we had with the prepaid healthcare act. Back in 1970, 71, 72, 73, we were told that this was the sign of the future. It was going to be a partnership between employers and employees. It was going to be universal coverage and everybody was going to benefit from it. And none of those things happened because from the very beginning, it was one-sided and it was to provide benefits and not to provide choice or a cafeteria style approach to medical care, or to allow for differences among and between people, and neither does this long term care tax proposal.

"There are differences among people. People have different needs, they have different wants, and they have different responsibilities. And what we do whenever we have a government program and a tax program like this, we punish those people that take it upon themselves to be accountable and responsible for themselves and their families.

"In addition, we talk about the possibility under this plan of keeping people at home maybe longer. But what we don't talk about, at least the proponents of this bill and this idea, is that the whole idea is to put them into institutionalized care, into nursing homes or into other facilities – facilities which are already overcrowded; facilities which are not built; facilities which somebody is going to have to be responsible for in terms of the capital improvements, the investment and other costs.

"We talk about the regressivity of this particular tax. We don't talk about the fact that part timers would be included, that people that are waiting to have other options don't get those other options.

"In terms of the marketplace responding – the marketplace doesn't respond because you put more taxes and more regulations into a state's economic picture. The market

responds to what the needs of the people are. The market, in fact, has been responding. If you take a look at products that are available right now, there are dozens more products that are already online and many more that are coming. Are they expensive? Yes, they're expensive, considering this is the state that talks about free education, free lunches, free transportation, and free everything else. There's a cost for everything.

"As the demand goes up and as the options continue, the cost will go down. And if we really want to help people, then we encourage them to participate in those options and we give them tax reductions or tax credits, or better yet, we reduce their taxes overall so that they have more take-home pay and they can make more choices themselves as to where they put their dollars, whether it's in healthcare, transportation, education.

"The point of the fact is that government can't and shouldn't do everything, and this government has done very little very well. To add another layer of bureaucracy, to institute another tax would be the wrong medicine at the wrong time.

"Thank you."

Senator Espero requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Whalen rose to speak in opposition as follows:

"Mr. President, I'll be brief. It's in opposition.

"Nobody mentioned it so I will, not the fact that I was on the long term task force study joint committee thing. We actually had private industry come in at one point. They took a look at what the state was developing in terms of the program – this tax idea. They looked at it and said, 'we've got insurance benefits that far exceed what you're asking for that will cost much less, but nobody buys it right now because people use their money to pay the rent, pay the electricity bill, buy gas, and whatever. If you really want to do something about it, give them a tax credit or something so people can afford it. Our programs right now are far superior to the benefits you're asking for and it will cost less.' The only advantage we have is we can go in and take it out of their pockets, whereas insurance companies can't.

"If we really want to take care of this problem, instead of creating more bureaucracy, another government program with the mandates that you know a future Legislature is going to get involved and start doing stuff just like our prepaid and our auto insurance and everything else, adding mandates after mandates and we start monkeying with it, it will be the same way here. If we really wanted to solve the problem, get people to buy insurance and do that by either tax credits or whatever else. That would solve the problem instead of merely expanding the size and scope of government."

Senator Kim rose to speak with reservations and said:

"Mr. President, I rise with reservations.

"Mr. President, my concern is that \$70 a day right now is really not adequate enough to cover the cost and the needs that these individuals will have. When this program gets started in a few years from now, \$70 is not going to be enough. I'm afraid that we're going to give people false hope and a false sense and that they're going to be coming back to tell us and complaining that \$70 is not even going to begin to pay for the cost that they're going to be being charged.

"Thank you."

Senator Baker rose and said:

"Mr. President, just a couple of items of clarification on this matter, particularly after listening to the Senator from Hawaii Kai.

"This bill does not drive people into institutions. As a matter of fact, the whole trend in long term care is away from institutions. If you talk to elderly folks these days, their desire is to stay at home and to age in place.

"What this bill does is to provide for about 75 percent of the needs that elderly folks will have for home and community services. It's not designed to pay for nursing home care. There's not enough benefit in this bill. There's not enough tax being paid for that.

"I happen to have a long term care policy. It's a lot more expensive than this particular proposal for not a whole lot more benefit. So while the private sector may say that there's a lot of activity with a lot of policies out there, it's going to take a measure like this for insurers to come in and provide those supplemental approaches like Medicare part B did which will help supplement this very basic, in-community, in-home program. And that's all this program is designed for.

"Thank you, Mr. President."

Senator Hogue rose in rebuttal and stated:

"Mr. President, in rebuttal to the last speaker.

"This is such a disincentive. And if we think that \$70 is going to be the incentive for people to go out and get more long term care insurance, boy we're really barking up the wrong tree, because that's exactly the opposite of what happens. When you put measure like this forward, people assume that they have long term care being taken care of and so they will do just the opposite of what they should do – they won't go out and look for long term care insurance.

"I applaud the Senator from Maui that she has gone out and purchased a policy. More people should do exactly that. I know that AARP has been one of the strong advocates of this particular measure and I applaud the fact that they're concerned about long term care. Ironically, if you join AARP, you can get a policy from them for just pennies more that covers a whole heck of a lot more than this particular bill covers.

"So, we really got to watch out. When you put a mandate on the people for the hundreds of millions of dollars in taxes, you also create the unintentional consequence of a disincentive of people going out and doing what they should do, which is purchase long term care insurance. Long term care tax credits work much better and that will be discussed in a bill coming forward.

"Thank you, Mr. President."

Senator Ihara rose to speak in support of the measure with reservations and said:

"Mr. President, please not my support of this bill with reservations."

The Chair so ordered.

Senator Aduja rose to speak with reservations and said:

"Mr. President, I'd also like to lodge my reservations and I would urge also that this body look at the other bill regarding a tax credit, that perhaps that is a good alternative as well.

“Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 813 was adopted and S.B. No. 1088, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LONG-TERM CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Hemmings, Hogue, Ige, Sakamoto, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 814 (S.B. No. 1238, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 814 be adopted and S.B. No. 1238, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this measure.

“Good intentions do not always produce good results. I believe this measure is fatally flawed when it relates to the rights of an individual to revoke his previous commitment once he may be judged no longer to be competent by some authority.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 1238, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MENTAL HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 821 (S.B. No. 1399, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 821 be adopted and S.B. No. 1399, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in favor of the measure as follows:

“Mr. President, I rise to speak in favor of this bill.

“This is the measure that is going forward that is the way that the state should react to the concern about long term care. Tax credits encourage people to purchase long term care policies and it’s much, much better approach than the massive tax increase of S.B. No. 1088.

“I just want to note that there is one very minor technical error in this particular bill. It’s on page 3, line 12, subsection (d)(6). I think inadvertently the word ‘and’ is there instead of the word ‘or.’ As one of my committee aids noted, that means, as written, the only way you could get this tax credit would be if everyone in your huge extended family was simultaneously eligible. The coverage would have to include the taxpayer and their spouse, and a child, and a stepchild, and a parent, and a stepparent. And if anyone was missing from this list, you could get no tax credit. Obviously that’s not what we want. We want the tax credits to go forward so I hope that little inadvertent error will be fixed.

“I hope everybody will support the bill. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 821 was adopted and S.B. No. 1399, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO A LONG-TERM CARE TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 822 (S.B. No. 1519, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 822 be adopted and S.B. No. 1519, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to the bill.

“I certainly support the community health centers and I think that the community health centers should be funded directly based on their need and what they’ve actually done.

“This bill started out . . . it’s had a very tortuous course. It started out adding a special fund. The special fund has been taken away. Then it had money that was coming out of the rainy day fund. That’s been changed. Now there’s an unspecified amount coming out of the tobacco fund.

“To be consistent, I have opposed the use of tobacco fund monies other than what the original stated purpose was, and that was directly related to children, anti-smoking, anti-tobacco programs.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 822 was adopted and S.B. No. 1519, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

S.B. No. 585, S.D. 1:

By unanimous consent, action on S.B. No. 585, S.D. 1, was deferred to the end of the calendar.

S.B. No. 1307, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1307, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1621:

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, S.B. No. 1621, entitled: “A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION AMOUNT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1626, S.D. 1:

Senator Taniguchi moved that S.B. No. 1626, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Taniguchi rose to speak in favor of the measure and stated:

“Mr. President, I rise to speak in favor of this bill.

“Mr. President, I ask you and my colleagues to consider doing something today – and that is to invest in our children. We have passed numerous appropriation bills onto the House that could fund education initiatives because these bills will help invest in our children. We have other bills today that authorize special purpose revenue bonds for private education institutions. I am hoping these bills will also pass because they, too, invest in our children.

“S.B. No. 1626, S.D. 1, is our way of putting some real money where our collective mouth is. To truly invest in our children, we need real dollars and not just campaign promises. We must provide adequate resources for the Department of Education to do its job. I believe we need to give our superintendent, our principals, and our teachers a fair shot at meeting the increasing demands placed on them.

“If we are not willing to do this in these rough economic times, if we are not willing to do something out of the ordinary, if we are going to continue on this downward spiral of cutting the budget 5 percent at a time, then can we truly say that we believe that education is our number one priority?

“S.B. No. 1626, S.D. 1, will provide a \$70 million investment in our children who attend public schools. Forty-five million would go to school complexes on a per student allotment to deal with standards implementation. Standards implementation design is the department’s plan to achieve success and to comply with the federal ‘no child left behind’ mandates. This means that we will be adding \$250 more to the roughly \$6,000 per child average that we spend now. Three million dollars of this \$70 million will go to restore the cuts made by the Governor. Twelve million would go to address various needs addressed in the appropriation bills that we have passed, and \$20 million will go for repairs and maintenance to reduce our multi-million dollar backlog.

“S.B. No. 1626 will also provide \$10 million for our beleaguered University of Hawaii system, hopefully, another good investment in our future.

“I know there will be those who will criticize this measure and they will be much more articulate than I am. Yes, this is a tax increase. But do we really want to invest in our children? Is education truly our number one priority?

“Is a poll that indicates that 77 percent of our citizens would favor a tax increase for education really something we want to ignore? Let’s invest in our children by supporting this bill.

“In closing, Mr. President, I would like to also warn my colleagues about an additional revenue shortfall in the current fiscal year, as well as the impact a war would have on our budget. While we are all hoping for the best, I would also hope that we pass this bill along as a vehicle to help deal with a potential big hit on our financial plan.

“Members, I humbly ask for your support for this bill. Thank you.”

Senator Slom rose in opposition and said:

“Mr. President, I rise in opposition to this measure.

“How many of you remember one of those movies whether you go to the theater or you rent and it’s really suspenseful. It comes down to the end and the bomb is ready to go off and they’ve got to cut the wire – it’s the blue; no, it’s the red; the blue; the red; the blue; the red. They have to cut the right wire because if they don’t, they blow themselves up.

“I would submit to you, in this body of metaphors, that this bill would cut the wrong wire and would blow us up. It would not solve the problem. It would not take away the emergency.

“It is a tax, pure and simple. Whether you’re articulate or illiterate, it is a tax and it will cost you more.

“And by the way, people talk about this as it’s only a one-half percent increase. It’s only one half penny more. No, it’s not. Whether you went to Punahou or Kamiloiki, the math is the same. It’s a 12½ percent increase compounded by the impact of pyramiding on the nation’s only gross income general excise tax, not sales tax, general excise tax. It is the most regressive tax hurting those the most that can least afford it.

“I like investments, but I have to hearken back to earlier discussions. Gee, it seems like only five or six hours ago when I was talking about how words are used like contribution – it’s a good word; taxes are not contributions – investment. Now, I’m from the old school, Mr. President, to me an investment is something that you make voluntarily. I choose to invest in this; I choose not to invest in that.

“This is not an investment. This is a tax that impacts all of us. It is a tax at the time that all of the other states, even crippled with huge deficits, they’re cutting their taxes, and here we are talking about raising our tax. We even have Mr. Clinton’s former policy advisor who is the new Governor of New Mexico giving us a run for our money by bragging about how they have cut taxes and cut business costs in New Mexico. And we’re still talking about the same old thing – tax and spend.

“Now, at the hearing in Ways and Means the other day . . . and I always salute the Chairman of the Ways and Means Committee – he has been most fair, most open, most objective, allowing everyone to ask questions, to discuss issues. We’ve had very good debates, and since there are 15 of us out of the 25 that sit in that Committee, we have very good debates.

“Colleagues, I hope you remember when the superintendent of education was there along with many of her minions, and I asked her what the money was going to be used for specifically. Was it going to be used for old programs or programs that they’re complaining about now that they can’t fund? Was it going to be used for textbooks? Was it going to be used for security on campus? Was it going to be used for improving test scores? And she was very evasive about what it was going to be used for. We also talked about SIMS, I believe, and other things, other programs.

“What I finally got out of that discussion, and anyone can correct me if I’m wrong, was that no, she wanted that money to replace the money of increased new spending that was subject to the 5 percent reduction in spending. It was not talking about taking care of business the way it is now; it’s talking about new expenditures.

“Now, as far as the \$10 million dollars to, again, my alma mater, the University of Hawaii, we can all share the Chairman’s hope that it will be used for good purposes – but we

don't know because it's not specified! And that's part of the problem. We're always talking about raising more money, raising the taxes on the people that can least afford it, without requiring a plan, without saying, here's what it would be for.

"Now, how about that poll, that Advertiser poll. Geez, even the Advertiser had to correct the misuse of its own poll, which is amazing to me cause they spread so much misinformation. But they said 'Wait a minute, wait a minute. People have been taking that out of context. We didn't ask the question and people didn't answer, "Yes, we want to spend more taxes if it means that it will go for education."' What people said in that poll was 'we will be willing, perhaps, to have our taxes increased if and when we see an educational program and we know what it's about and we believe in what it can accomplish to improve the educational system.' That's far different from saying raise my taxes; raise my taxes, cause they never said that.

"So here we are with the wrong decision and the wrong plan and the wrong wire to be cut at the wrong time, regardless of whether or not we have a war. In fact, if we are involved in military operations, that's an even better reason not to raise taxes but to try to cut taxes, to try to improve the standard of living of every single mom, every family, every small business in this State who is still struggling under the third or fourth highest tax burden in this nation.

"The final comment, and it sounds good cause we're often accused of saying one thing and doing another, the comment is – let's put our money where our mouth is. Okay, Mr. President, let's line up over there and let's put our money where our mouth is. What this bill does is take the money from other people's mouths, from children's mouths that we say we want to help, from families who can least afford it and make the business climate even more inhospitable – bad thing to do . . . this week, this month, next month, no matter what the circumstances.

"I urge my members and colleagues to vote against this bill. Thank you."

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

"Mr. President, I rise in support of S.B. No. 1626.

"As mentioned, yes, it's a half percent increase in the excise tax and also includes provisions for the food deduction – \$100 graduated. And I believe, as mentioned, the Advertiser poll of February 9 did mention that 77 percent of residents would support a tax increase to make needed repairs to the schools and to improve the quality of education in public schools. This measure would provide those funds and enable those repairs and quality education to be improved. Certainly, we're not going to improve everything.

"Over the past few years, we in this body, including the House and the previous administration, have greatly improved the facilities in schools. The \$640 million backlog is maybe \$440 million but there's a long way to go, and we tried to address textbooks but certainly there are a lot more things to address.

"I support this measure as your Chair of the Education Committee and also as a business person looking for a stronger economy. I firmly believe that our economic viability as a state is completely dependent on our education system. These two are very important Es, very important Es – education, economy. They're completely intertwined, completely.

"Many stand in opposition to this bill based on the belief that it will hurt our economy, but I believe it will enhance our economy if we invest in education. And if we don't have all of the elements of our E in our system, pieces of the E of our economic system will fall off and become missing. For example, if we don't provide enough adequate facilities through our R&M and CIP funding, then the foundation of our economy will fall off.

"Drop off one part of our E and what? Perhaps we get F. If we fail to provide quality up-to-date textbooks, resources for the children in our classroom, perhaps the middle of the E vanishes. Perhaps we get a mediocre C, which no one wants. If we miss the opportunity to build a world class research university, stimulating the economy as well and no one questions how that could be done, what do we get? Maybe we get an F by dropping off part of it. Maybe we get an upside down F. And if we don't provide all the resources for all of these elements, we would be left out of a growing, healthy economy, and certainly nobody wants an incomplete, an 'L'.

"So, as we strive to make Hawaii's economy increasingly information based, this E connection, E bomb, if you will, Senator from Hawaii Kai, will become even more important. Our state's employers rely ever more on graduates who are well prepared for the intellectually demanding jobs of today as well as tomorrow. And as Education raises the skill level of the workforce, employees work smarter, and these increases will help fulfill and, in essence, increase the capacity of our economy to produce more with the same amount of employees, meaning that there's a larger economic pie for everyone to share.

"Mr. President, I'm in support of this measure. And as Senator Slom mentioned, the voters did as well, if – big IF – if the funds from the tax increase are earmarked for education, if more accountability is established with the department. And certainly, I don't necessarily agree . . . I agree with the Senator from Hawaii Kai that it isn't up to Ms. Hamamoto. I think we have an opportunity to say how those funds should be directed – more accountability in the department to demonstrate how these increased resources will result in increased outcomes; and thirdly, that the systems establish more local control for residents and parents and more oversight and control over their schools.

"Mr. President, this measure provides resources to bolster education and promote our economy and allows us to keep our promise to our children to prepare them to live and work in our increasingly complicated and competitive world. I ask all of those here to support the measure, because indeed, it is both education and economy.

"Thank you."

Senator Kawamoto rose to speak in support of the measure and stated:

"Mr. President, I rise to support this bill with comments.

"If we're going to pass this tax increase, which I support, and we're going to hang our hat on the fact that the public said 77 percent goes to education, and if they said that to help the schools, the programs, and facilities, then we should do that. We're not supposed to go and give \$100 for a food credit or medical services. That's not what was in the equation. The equation was a tax increase for education, and that's what we should do.

"I remember back when Governor Ariyoshi gave us a \$25 rebate. I don't remember where that \$25 went to. You give

back \$100. To me, I hope there's a block that says, can I turn this \$100 of food credits back to the schools. And I would do that because I think it's good to go back to the school.

"I also agree with the Senator from Hawaii Kai, because he was our team captain on our debate team at the university that I went to.

"I just wanted to add that we need to think about ourselves. We need to go out and sell this tax increase.

"For the last three weeks, I've been going out to the Mililani Neighborhood Boards, Pearl City Neighborhood Boards, Waipahu Neighborhood Boards speaking about the University of Hawaii West Oahu Campus. And we all got resolutions in support of the campus. And if I should say to my grand-kids, if I ever do have some, that in 2003, the Session of 2003 we raised the tax half a percent and what we did with that is we had a chance to build this campus that you're going to right now, and that was a commitment, as the Chair said, a commitment to our young people.

"I'm hoping that the \$10 million that the university gets, the priority becomes to pay the debt service of the money that we're going to put in the budget for West Oahu Campus government bonds. And that equates to, for the first year, \$1.8 million, and from the second year on, it will be about \$6 million of debt service. That would work. But I would strongly support the use of that sum money for a promise we made 30-something years ago to build that West Oahu Campus.

"Thank you."

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against the bill.

"The whole proposal of raising taxes to improve education is fundamentally flawed, because it basically implies that the problem with education is lack of funding, when nothing could be further from the truth.

"The good Senator that runs the Ways and Means Committee could probably find this out better than any of us, but in 1990, public education consumed about \$500 million a year. It's now well over \$1.2 billion, and that does not include the hidden cost in Felix in the Department of Health and Department of Human Services. Now, many will argue a good portion of the \$1.2 billion is Felix money and that underscores exactly what I'm saying – the problem is mismanagement. We're spending all the money because it's been mismanaged.

"It seems today is the day of metaphors. Putting more money into the education system without changing the system amounts to more money in a bucket with holes in it. Why don't we fix the holes? We all agree with the good Senator from Manoa that we want to give the children the best opportunity in the public education system, but the empirical evidence in the history is that money is not the problem. The system needs to change in order to accommodate our goal of educating all our kids in the best manner possible.

"Thank you, Mr. President."

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

"Mr. President, I rise in opposition to this measure.

"I appreciate the comments from the Ways and Means Chair. He is a good man but I just wanted to mention that I do invest in my children. I'm proud to invest in my children and I don't want to work anymore jobs than I already have. I have about three or four of them right now in order to pay the bills to live in this very beautiful state.

"If we raise the taxes, that will force me, and others like me who have a family here in this state, to go out and get more jobs to try to pay these taxes.

"This is really a downward spiral for our economy. There's no doubt about that. When you raise taxes in a down economy, you cause the economy to spiral downward.

"The good Senator from Moanalua was talking about going to school earlier. He talked about some of the grades that he may or may not have received. I certainly don't remember any Cs, Ds, Es, or below that on my report card. I certainly learned in economics and civics class that in a downward economy, you never raise taxes. And in my civics class, I learned that if you don't have enough revenue, that you cut expenses.

"And finally, as a parent, and as someone who is the head of a family, I have learned that in difficult times you tighten the belt and you tighten, and you tighten, and sometimes it hurts. And that's exactly why people voted us into office. It's really nice in good times when we can be for everything. I'd certainly like to go out and shake everybody's hand and say I voted for you too, but they paid us to come here and make extremely difficult decisions in extremely difficult times. The right decision is to say NO to new taxes and YES to cutting expenses.

"Thank you, Mr. President."

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

"Mr. President, I rise in support of this measure.

"I rise in support somewhat reluctantly, primarily because the GE tax. As everyone here knows, I'm a freshman Senator. This is the first time I've stood in this room and voted on bills like this for any length of time. And it's clear that myself, as well as no other Senator, gets any pleasure out of putting forth tax increases. Certainly, I don't get any pleasure whatsoever and I'm hesitant.

"Over the last year, Mr. President, I spent a good part of that year going door-to-door in my community – knocking on doors, talking to people, campaigning for election to this office where I sit today. And when I talked to people, they asked me what am I going to do. And I said I'm going to support education. And I'm here today to support education, Mr. President. I'm here to say that the only poll that matters to me is the poll of my constituents, nearly 16,000 of them that elected me to serve here today and to stand here and support education.

"Our community has many, many problems. We have problems with drug use. We have problems in our economy. We have problems with low wages. Those problems, our challenges, will only be solved by improving our education system, our public education system. We must invest in education.

"If you look at history, where commerce was improved, it's where communities invested in infrastructure. The infrastructure of commerce in the old days, Mr. President, was harbors, and airports and railways. Communities that invested in that infrastructure succeeded economically.

"I would propose to you that the infrastructure of tomorrow – the infrastructure of commerce – is education. And until we support our public education system, K-12 and the university, we will make no headway on this issue. We must invest in education. We must make education a priority. We must send the message loud and clear that we support teachers; we support our schools; we support our administrators; we support our community and our children, and we're willing to make those tough choices.

"I hate the general excise tax. I hate it with a passion. I'm a businessman. I started my business in 1985, and there were times then and times now when I paid my taxes before I paid myself. Taxes are tough for everybody, but I believe the more important thing, again, is education, and I'm willing, for one person as a small businessperson, to pay those taxes.

"I'm hoping that we'll find another way. There are other options. We've talked about other options in the Committee, but if it comes to it, the general excise tax half a percent increase is something I am willing to support.

"I want to point out for the record, Mr. President, that this body cut taxes for the taxpayers of this state, which equals \$300 million or more per year that's in effect today. If we had not done that, today our budget would have \$300 million or more to spend on things like education.

"It's not just about money. I agree with my colleagues who have said this, 'Money will not solve the problem.' It's multifaceted, but we cannot stop investing in education while we try to figure it out. There will always be holes in the bucket. There will always be holes in the bucket. We have to manage it. We will never solve it. Every large bureaucracy will have inefficiencies. We must work to solve those inefficiencies. We must work to eliminate the fat, but at the same time, we must invest along the way.

"In my business, I do not stop everything while I figure it out. I continue investing. I continue working on it. You can bet when the leaders of past invested in harbors and railways, they spent more money than they thought. There was opposition for them at the same time, and they couldn't just figure it out. They had to invest.

"We must move forward. We must send a message that education is our number one priority and that we are willing to make that difficult step and invest in our educational system.

"Thank you, Mr. President."

Senator Espero rose in support of the measure and said:

"Mr. President, I'd like to rise in support of this measure.

"I'd like to begin by just talking a little about what taxes are. Taxes are what runs our society, what runs our government. At the federal, state, or city level, taxes pay for our military, our armed forces. Taxes pay for our police and fire. It pays for our streetlights, our potholes, our roads, our sidewalks. It pays to help the needy, the poor, the homeless. And yes, taxes pay for our education – public education as well as our university system.

"We are tasked here today to balance the budget for this state. Our country is on the verge of war. We have a problem in the Middle East, and heaven forbid, we may have a problem in North Korea. The future right now is very uncertain. We do not know what's going to be happening in the next two weeks, six weeks, eight weeks. Our country, our state, if war breaks

out, can literally be devastated by the impacts of what is to come.

"The visitors, the travelers will not come to Hawaii, and this is the worst case scenario. People will get laid off. They will lose their jobs, like what has happened in the past, Desert Storm, other wars. And our services that many of the needy and people of Hawaii rely upon are going to be seriously, seriously impacted, including education.

"Our own Governor is having problems balancing the budget. What was at one time expected to be a 5 percent decrease across the board looks like that's not going to be the case. It might be 3 percent. It might be 2 percent. Who knows? Until the Council of Revenues comes out with new figures, again, right now we're playing with numbers that no one in this body or even the House can say for sure what we're going to be dealing with. And again, because there are forces outside of our control globally, we need to be prepared.

"This measure is a vehicle for us to be prepared. Yes, we must make the tough decisions. That is our job. And there's nothing tougher than having to raise taxes in this type of situation. No one wants to raise taxes. But what are we talking about? For every \$100 spent, you're looking at an additional 50 cents in taxes. That's what it is. We could argue is it a half percent, there's a 12 percent, whatever the case. The numbers are for every \$100 spent, an extra 50 cents.

"I'm willing to pay that price. I've spoken with constituents and others who think it's a small price to pay, especially when you're looking at a generous food credit, and then of course putting money into education. If we don't have to raise taxes, then let's not raise taxes. But it's our fiscal responsibility to look at all options. That is why we're here and this is one option that we must leave on the table. We would not be following our fiduciary responsibility by not even considering a tax increase.

"Again, no one wants it. But tough decisions have to be made and your Majority is ready to make those decisions, Mr. President. Thank you."

Senator Menor rose to speak with reservations and said:

"Mr. President, I just want the Clerk to note that I'll voting aye, but with strong reservations and I'd like to have remarks inserted in the journal."

The Chair having so ordered, Senator Menor's remarks read as follows:

"Mr. President, I just wanted the record to note the fact that I will be voting in favor of this measure, but with serious reservations.

"I am concerned about the regressiveness of the excise tax. I'm also concerned that an excise tax increase could hurt consumers and businesses during these difficult economic times. Nevertheless, I will be voting in favor of this measure because it raises important issues and calls for additional much-needed funding for our public schools.

"Given the significant interest in this bill, I would like to clarify that my vote to keep this measure alive is for discussion purposes only and not because I agree with the funding mechanisms Senate Bill No. 1626, S.D. 1, proposes. I would also like to emphasize that, in passing this measure at this early stage of the session, the Senate is not giving this bill final approval, but only moving out the measure for further consideration and review by the House.

“Thank you, Mr. President.”

Senator Whalen rose in opposition as follows:

“Mr. President, I rise in opposition.

“I’d just like to let you know, Mr. President, that the Minority is also willing to make the hard decisions as in accountability in our educational system and not just simply pouring more money down the broken bucket with the water pouring out through the bottom. That is where we see the solution lies, not in zapping our people of Hawaii with higher taxes to pour into more of a bloated bureaucracy with a potentially even huger administrative workforce, meanwhile, our children, who we’re saying we’re making these tough decisions for, get the same education they’ve been getting for quite some time.

“Those are the decisions we’re willing to make to cut to the core of the problem, not just pour more money or more ointment on a sore, but actually get rid of the sore and heal it.”

Senator Slom rose again and said:

“Mr. President, just a couple of additional comments and remarks.

“For people that hate the tax and people who don’t want to raise the tax, you’re willing to swallow the hatred and you’re going to raise the tax. It’s very interesting to me that you would do this.

“It’s also interesting that we cannot equate support for something other than support for taking someone else’s money. It’s real easy to be generous with some else’s economic freedoms or personal freedoms, and that’s exactly what we’re doing. We’re not letting them make the choice, not letting them do that.

“I’m intrigued by the E for efficiency in education with the 4½ percent increase or the increase to 4½ percent, the 12½ percent increase. And it does matter whether it’s 50 cents or 12½ percent compounded and pyramided. But I’m just wondering, if the 4½ percent would give us more support and more efficiency, then why don’t we go to 5½ percent, or 6½ percent, or 8½ percent? What’s the difference? I didn’t hear anybody here talk about any limitations other than the Minority.

“And, as a matter of fact, during that Ways and Means hearing, did we not hear from different people who came in and said we like this tax but let’s add another half percent for the welfare recipients. Let’s add another half percent for human services. Let’s add another half percent for this group, that group, and every other group. In fact, we had one gentleman who wanted to raise it to 7.75 percent but that additional amount would only apply to tourist and the rich, as he defined them.

“And when you talk about looking at options, the only option we’re looking at is doing things the way we’ve done them for 40 years in this state – more taxes, more spending, more holes and more rotten buckets. We have options; we have alternatives; we have creative ways of doing things to show our support for the teachers, for the schools, and more importantly, for the parents and the students who support those schools, and yet we don’t do that. We always come back to the idea of taxes.

“Let’s be specific about some of the other things in this bill. First of all, it creates another special fund. We didn’t talk about that yet. Secondly, the last time we tried to raise the general

excise tax, one of the groups that was the most vehement in opposition to it was the real estate community, the realtors. Well, we’ll take care of that. We’ll lower their rate from 4½ percent to 2 percent, except that the realtors have already testified in opposition to this bill. They didn’t take the bait. They didn’t take the buy off. They understand that the taxes will hurt everybody including their clients, that taxes will hurt the students and their parents who pay for the education because it is across the board, regressive, pyramiding, and impacts everyone and everything we do.

“How about that \$100 food tax credit, which doesn’t apply to everybody, but doesn’t apply just to the poorest among us. If that single mom spent \$200 a month on food, at the end of the year, if we exempted food from 4 percent, didn’t have to raise anybody’s taxes and didn’t do anything else, if you really wanted equity that single mom would save \$96 right off the bat. But who in Hawaii only spends \$200 a month on food with any dependent living with them? So as you increase that amount, you would increase the amount that would actually be saved, without raising taxes.

“This idea of we’ll raise the taxes but we’ll give you this, we’ll do this, we’ll do that – it’s not good policy; it’s not good planning; it’s not well thought out at all. It’s a desperate grab at someone else’s resources.

“And one final comment that I have to make – it is not taxes that makes the economy go or makes good things happen. It is the work, the effort, the initiative, the resources, and the investment that individuals make. Taxes are the punishment and the theft that government exacts upon people to tell them that we in government know how to spend their money and order their lives better than they do. You want to invest? You want to support? Then free people, cut their taxes, allow them to make the decisions for themselves.

“Thank you.”

Senator Tsutsui rose and said:

“Mr. President, I would like to insert comments in support into the Journal.”

The Chair having so ordered, Senator Tsutsui’s remarks read as follows:

“Mr. President, I am in support of S.B. No. 1626. Many of our colleagues have already described the need to support education throughout the State balanced against the proposed ½ percent increase in our General Excise Tax. In particular, I would like to mention two ways in which the proposed tax increase will benefit education in the County of Maui.

“First, the population growth of central Maui over the last several years has placed undue burden on our existing schools. I would like to see the funds generated from S.B. No. 1626 used for the design and building of the proposed Maui Lani Elementary School in Kahului to alleviate the existing burden.

“Second, I am also in support of using funds from S.B. No. 1626 to expand Maui Community College into a 4-year college offering baccalaureate degrees. Currently, our students seeking higher education on Oahu, must relocate and incur additional costs in pursuit of a 4-year degree. A 4-year college on Maui will open the door to a wider group of students who may not be able to relocate to Oahu.

“As a father of one and another on the way, I am reminded of the story of two people crossing a river. When the two reach the middle of the river, they see babies floating downstream.

The first person begins grabbing the babies as they go by and place them on the banks. The second person makes the tough choice to run upstream to find out where the babies are to stop them from falling into the river.

“The Governor’s proposed cuts from the current budgets reduce support for both the Department of Education and the University of Hawaii; both already suffering from reduced support over the years. Our State’s population growth, particularly on Maui, together with our demands and expectations from our public education systems, requires we make the hard decisions now in order to improve the educational environment for our students in the future.”

The motion was put by the Chair and carried, S.B. No. 1626, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 9 (Aduja, Fukunaga, Hemmings, Hogue, Ige, Ihara, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 834 (S.B. No. 1394, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 834 was adopted and S.B. No. 1394, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 838 (S.B. No. 864, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 838 was adopted and S.B. No. 864, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD WELFARE SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

At 5:46 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:47 o’clock p.m.

Stand. Com. Rep. No. 840 (S.B. No. 883, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 840 was adopted and S.B. No. 883, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 842 (S.B. No. 956, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 842 be adopted and S.B. No. 956, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this bill.

“The bill makes a presumption that any pregnant woman would qualify for Medicaid eligibility or for QUEST. There are several problems with that. First of all, we have a presumption clause in workers’ compensation and that’s what’s driven up the cost and made it unfair. The presumption is that any injury is a work-related injury and can be claimed as such, and it’s very hard to rebut that presumption.

“Secondly, we haven’t done this for any other class of people but we’re doing it right now for pregnant women.

“The third problem with this is that it would add cost and would add to the QUEST roles. Originally, this idea of QUEST was supposed to be the safety net to take care of the gap group people or the people who had fallen between means testing and ability to buy insurance. We have seen the cost of QUEST and the numbers of QUEST people just tremendously increase and the program has not been run efficiently.

“So, what this bill would do would be add to the problems that we have, rather than looking at the causes of the problems and trying to fix them.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 842 was adopted and S.B. No. 956, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PRESUMPTIVE MEDICAID ELIGIBILITY FOR PREGNANT WOMEN,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hogue, Slom, Trimble).

Stand. Com. Rep. No. 851 (S.B. No. 1354, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 851 and S.B. No. 1354, S.D. 2, was deferred to the end of the calendar.

Stand. Com. Rep. No. 852 (S.B. No. 1423, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 852 was adopted and S.B. No. 1423, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Slom).

Stand. Com. Rep. No. 854 (S.B. No. 1584, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 854 was adopted and S.B. No. 1584, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 855 (S.B. No. 945, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 855 was adopted and S.B. No. 945, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 856 (S.B. No. 1240, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 856 was adopted and S.B. No. 1240, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 858 (S.B. No. 425, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 858 be adopted and S.B. No. 425, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 858 was adopted and S.B. No. 425, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 863 (S.B. No. 1251, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 863 be adopted and S.B. No. 1251, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 863 was adopted and S.B. No. 1251, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE CHIEF INFORMATION OFFICER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 865 (S.B. No. 376, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 865 be adopted and S.B. No. 376, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of S.B. No. 376, S.D. 2.

"Due to the wisdom of the good Chairman of the Senate Ways and Means Committee, I'm able to stand here and talk in favor of this bill and offer an alternative in the form of a future amendment as this bill progresses through the process.

"The harsh reality is we are in tough economic times and we have to make tough choices as we've been talking about all day. Well, it's not too tough of a choice for me to vote 'no' against the art Taj Mahal next door and to put the money that presently

is in the State Foundation of Culture and the Arts for the next two years of CIP funds into books, rather than more surplus art.

"The reality is that we have, according to the Foundation of Culture and the Arts, over 1,000 pieces of art currently in storage. Over the next two years, their CIP funding is going to allow them to get up to \$5 million in additional funding. They have, currently, \$5 million or \$5.5 million on hand.

"By taking this money for the next two years and redirecting it towards books, we could solve the library problems at Kapolei and all the libraries, including neighbor island libraries. Now, there seems to be a question regarding if we can use CIP funds for books. It's based upon an old opinion from the attorney general. I put in a formal request to get a new opinion. I certainly believe that the many opinions in the previous Attorney General's Offices would support the current political ideologies of the people in power.

"Nevertheless, books are capital improvement. Literary arts is a legitimate expenditure of public money, and in view of the fact that we have a surplus of art, certainly all this extra money would make eminent sense to put it into books rather than art.

"I hope that the members of this Legislature will consider this alternative as this bill continues through the process. Thank you, Mr. President."

Senator Ihara rose with reservations and said:

"Mr. President, please note my reservations for this bill.

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 865 was adopted and S.B. No. 376, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ART," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 867 (S.B. No. 1582, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 867 be adopted and S.B. No. 1582, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

"Mr. President, I rise to speak in opposition to this bill.

"This bill would let chiropractors advertise themselves as chiropractic physicians. Now, I think that we all can agree that individually, chiropractors may be very good people but they are not physicians. They did not go to medical school. They did not pass all the medical tests.

"This bill would expand the scope of practice for chiropractors who have usually worked on spinal areas to include most of the body. If you look at the bill it will include people's heads, backs, rib cages, arms and legs. And while the bill carves out an exception to this for insurance claims for workers' comp limiting payment to manipulation of the spine, all other types of chiropractic coverage would have to include this vastly expanded scope of practice – vastly expanded scope of practice. I've heard from one doctor who says that now chiropractors would be giving physicals, for example. I don't know about you, but I don't think the chiropractor should be giving physicals.

“Certainly, you’ve definitely got to be suspecting something’s a bad idea when groups that often really go head to head with other, sometimes even hate each other’s guts, unite on this bill in opposition to it. This bill was opposed by the doctors – you would expect that – also by the lawyers who often sue the doctors, and by the insurance companies that cut reimbursement checks for the doctors. It was also opposed by both the Chamber of Commerce and the labor unions.

“I hope you’ll join them and me and vote ‘no.’ Thank you.”

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

“Mr. President, I rise to speak briefly in support of this measure.

“I just wanted to raise a point of clarification and correction, with respect to one of the comments that the previous speaker has made regarding interpretation of this bill. He indicated that there is an exemption for workers’ comp but that it would not cover other lines of insurance and that other lines of insurance, in particular automobile insurance, would have to provide coverage for expanded chiropractic services. That is not accurate.

“I direct my colleagues attention to two aspects of the committee report and the bill. First of all, if you look at the second page of the committee report, this is what it states specifically, it states: ‘It is not your Committee’s intent to expand the scope of chiropractic practice or to effect increases in the costs of providing workers’ compensation and motor vehicle insurance benefits. Therefore, your Committee has amended this measure to include language that expressly disclaims any such intent in order to preclude applications of the law that may result in increased utilization, such as the recoding of chiropractic visits based on the amended definition of “chiropractic.”’

“The second portion of the bill that I’d like to direct my colleagues’ attention to would be page 4, lines 16 through 18, and this is subsection 2, which indicates that ‘Nothing in this Act is intended to increase the limitation on the number of chiropractic visits allowed under section 431:10C-103.6, Hawaii Revised Statutes,’ which relates to our automobile insurance law.

“I just felt that these points needed clarification. Thank you very much.”

Senator Sakamoto rose to speak in support of the measure with reservations and said:

“Mr. President, I rise in support of this bill with reservations.

“I thank the Chair for adding those points, however, this is still a possible Trojan horse, because in my experience, many times chiropractic doesn’t care, doesn’t provide a curative solution. My concern is that eventually this could drive up the cost of workers’ comp for small businesses and raise the cost to consumers.

“Certainly, those words are in the bill now because in the past, chiropractors, some chiropractors, have driven up the cost of workers’ comp premiums, automobile premiums by treatments that are repetitive and not curative. Palliative care makes one feel good, but that does not correct the cause of the pain or distress.

“This bill greatly expands the scope of chiropractics and could accelerate the rising medical costs in Hawaii.”

Senators Slom, Aduja and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 867 was adopted and S.B. No. 1582, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHIROPRACTIC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Hogue, Trimble).

S.B. No. 1057:

Senator Menor moved that S.B. No. 1057, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

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

“Mr. President, I rise in opposition to this bill.

“It’s interesting. I don’t know what the origin of this bill is to make the insurance commissioner now be subject to confirmation by the Senate. For the last 40 years it was okay that the insurance commissioner was appointed by the Governor. Then we had a change in the Governor and now the Senate wants to confirm the insurance commissioner.

“I haven’t seen any justification why we have to do this, why we should do it, but I see reasons not to do it – and that would be, undue influence by the Legislature or not confirming good people.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 1057, entitled: “A BILL FOR AN ACT RELATING TO THE INSURANCE COMMISSIONER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

S.B. No. 1152, S.D. 1:

Senator Inouye moved that S.B. No. 1152, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hanabusa.

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

“Mr. President, I rise in opposition to this bill.

“Mr. President, I rise in opposition because of what we’re actually saying with this thing. Again, it’s one of those feel-good measures, but at the same time, if you think about it, we’re saying that the people that we have on these various boards and commissions are incapable of truly representing all of Hawaii, that we need someone on there who can represent or protect the interests of Hawaiians. And if that were true, we should get rid of the commissions and boards altogether, because their whole purpose is to look at things from a broad-based perspective and do what’s right for everyone. That’s why we say elected people can’t serve on them and we bring people from the community to sit on these boards for their advice or decision making things that they go through.

"I'd note that to do what we want to do here, we have to change the law for most of these things that say that if you're elected, you can't serve on it because OHA can. And that was a wise decision to keep elected people out because you don't want politics involved in many of these decisions. But by sticking OHA or their representative on there, we are cramming politics right in the face of these people on the board. Because the interest, if you think about it just for a moment, these other people are there with the mandate to do what's best for everyone in Hawaii. Now they've got someone on their board whose mandate is to do what's best only for Hawaiians, no one else matters in their thinking, in their analysis, just Hawaiians.

"I do not think it's a proper role for these boards to come and have individual constituencies that they're representing instead of the overall deciding what's best for everyone. And that's why I oppose this measure."

The motion was put by the Chair and carried, S.B. No. 1152, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRESENTATION OF THE OFFICE OF HAWAIIAN AFFAIRS ON BOARDS, COMMISSIONS, AND ADVISORY BODIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 3 (Ihara, Kim, Taniguchi).

Stand. Com. Rep. No. 873 (S.B. No. 254, S.D. 2):

Senator Inouye moved that Stand. Com. Rep. No. 873 be adopted and S.B. No. 254, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Kawamoto rose to speak on the measure as follows:

"Mr. President, if I recall, this bill from Ways and Means concerns a bridge that runs in the . . ."

Senator Hemmings interjected:

"Point of order, Mr. President. Is the speaker speaking in favor or against this legislation?"

The President posed that question and Senator Kawamoto answered:

"Mr. President, unfortunately, I'm speaking in opposition of this bill.

"I'm a Big Island boy. I love the Big Island people. I grew up there for a long time. But in this bill, I think we're setting a bad precedent.

"I learned in Ways and Means that we have a water easement of which some time ago in the '70s somebody built a bridge. Nobody knows who build the bridge on private property over that easement. That bridge is falling apart. It's dangerous, a lot of liability.

"The problem here, Mr. President, is it's on private property and we should do the pono thing, the right thing. The right thing to do is to tear down that bridge and find out who built the bridge and whose liability it would be. Because if we do build a bridge, that means that we the State would accept the liability of something that's illegal.

"Granted, the agriculture special fund has the money to build. They have \$190,000 to build a bridge. But there's a lot

of these bridges all over the State. When I was a kid we used to call them one-ton bridge, proceed at your own risk.

"I don't understand why we're doing this and who we're doing it for. But I know that once we build the bridge, we're going to be responsible for this and the liability is a tremendous liability. If it's going to be for pedestrians maybe it's lessened, but if we're going to build it for roads and vehicle traffic, you can imagine the liability we have to incur on this.

"Mr. President, it's a bad precedent. What I'm afraid of, really, is if we do build a bridge, they will come to highway bridge funds saying that we built it before, we want you in transportation to build this bridge on private property. So it's a major concern – a major concern for the entire State – and we need to take the right approach on this. So I urge my colleagues to vote 'no.'

"Thank you."

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

"Mr. President, I speak in support of S.B. No. 254, S.D. 2, my bridge over troubled waters.

"Mr. President and colleagues, this is a very unique situation. This is an emergency appropriation with regards to Gov. Msg. No. 266. This is an appropriation of an existing CIP funds.

"There are, members, 14 residences within the area. They have been notified by the Department of Agriculture as to the notification that the bridge will be blocked. They have been notified by certified mail as well as hand delivered today.

"There has been discussion today, while we deliberate on this issue, that has been going on all day today. The Governor and the Attorney General are also in discussions with regards to the liability and the future liability. Members, I do wish to ask your consideration to assist me in moving this measure forward to further discussions in the House and by that time we could perhaps have this measure come to rest with whatever decisions will be made either by the administration or by both Houses or both bodies. So I ask that we move this measure to continue and further discussions on this matter.

"We also have been noted by the communities that they are seeking other alternatives as well. We do have meetings with the counties to see how we can rectify this situation.

"Thank you, Mr. President."

Senator Hooser rose and said:

"Mr. President, please note my strong reservations."

The Chair so ordered.

Senator Sakamoto rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support with reservations.

"I don't think it's a bridge over troubled waters as the speaker from the Big Island said. I think it's a trouble bridge over good water and I will support moving it ahead, but certainly if this was the end of the day, we need a better solution than this measure."

Senators Aduja, Tsutsui and Kokubun requested their votes be cast "aye, with reservations," and the Chair so ordered.

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

“Mr. President, I rise in opposition to the bill.

“There’s question right now as to liability for this ditch and the bridge that’s over it. There is question and there is discussion from the executive branch from the Governor’s Office and from the Attorney General. However, we have not seen any written statements. We’ve not had anyone from the attorney general’s come to Ways and Means or to another Committee.

“We do know this – while there may be a question right now of liability, if we go forward and we put the state financially and fiscally involved, then basically we are saying that we have a liability for this. So I concur with my colleague from God’s country that this is setting a bad precedent because we’re not just talking about this one little bridge on the Big Island. We may be talking about hundreds or even more bridges throughout the neighbor islands and on this island as well.

“There is a question as to whether any of the lands appertaining to the agricultural ditch are in ownership or a responsibility to the State. But I think that this bill is premature, that we should find out those answers first before we do this, because if we go ahead, we are opening ourselves, most assuredly, to liability.

“The second thing is, what kind of duty or responsibility do we owe to these private landowners? It’s my understanding that this project or development started out as one or two large parcels and has been subdivided over the years. So, people at that time knew what the situation was, and it was supposed to be agricultural use with a footbridge, as I understand it. And the footbridge is being rebuilt at this time. If they in fact want improvements, then they should bear the financial responsibility for those improvements. I think that’s the prudent thing to do at this time, unless we have more information.

“We are always forced to be in a position of voting for things where we have incomplete information or where we’re hoping for things to change and I think we should change our focus and only vote for things when we have the information. If we can’t get the information, then we can put it off and do it some other time, but it has tremendous consequences for future actions and liability, fiscal liability by the State.

“Thank you.”

Senator Ihara rose and said:

“Please note my reservations on this bill.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 873 was adopted and S.B. No. 254, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Kawamoto, Slom, Trimble). Excused, 1 (Kim).

S.B. No. 358, S.D. 1:

Senator Fukunaga moved that S.B. No. 358, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Aduja requested her vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 358, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1262, S.D. 1:

On motion by Senator Kawamoto, seconded by Senator Espero and carried, S.B. No. 1262, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 975:

Senator Kawamoto moved that S.B. No. 975, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Kanno requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 975, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 807, S.D. 1:

Senator Kawamoto moved that S.B. No. 807, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

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

“Mr. President, I rise in opposition to this bill as it appears to dilute the requirement regarding a 500 foot distance between where liquor is sold and schools and parks.

“Thank you.”

The motion was put by the Chair and carried, S.B. No. 807, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIQUOR LICENSE APPLICATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Kim).

Stand. Com. Rep. No. 880 (S.B. No. 26):

Senator Taniguchi moved that Stand. Com. Rep. No. 880 be adopted and S.B. No. 26, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this bill.

"This is one of a series of bills where we're transferring things from the executive branch to the legislative branch. Again, I haven't seen any reason why we need to do this. The question was economic journals and materials to be printed and sold by the Legislature. There's no justification why we need to do this, if there's been a problem, or why there should be a change.

"I've always been able to purchase materials from the Lt. Governor's Office in the past or the Governor's Office. Also, it doesn't say where the money is going to go, whether it's going to be creating another special fund or who's going to be responsible for accounting for it and what the ultimate purpose of the revenues would be.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 880 was adopted and S.B. No. 26, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE JOURNALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Kim).

Stand. Com. Rep. No. 881 (S.B. No. 44, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 881 be adopted and S.B. No. 44, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Aduja requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 881 was adopted and S.B. No. 44, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hooser). Excused, 1 (Kim).

Stand. Com. Rep. No. 882 (S.B. No. 235, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 882 be adopted and S.B. No. 235, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senators Baker, Tsutsui, English, Ige and Hanabusa requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 882 was adopted and S.B. No. 235, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hooser).

Stand. Com. Rep. No. 883 (S.B. No. 296, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 883 be adopted and S.B. No. 296, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against S.B. No. 296, S.D. 1.

"This is not a voluntary training. It's a mandate. I'm not sure that the Legislature can mandate the executive branch of government to do this type of training.

"Secondly is a matter of personal observation. I would say that any society that needs to train its leaders in ethics is in serious trouble.

"For these and other reasons, I will be voting 'no.'"

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

"Mr. President, I'd like to rise in support of this measure.

"This bill very simply mandates that our elected officials and our cabinet level appointees take ethics training. Recent incidences in the past few years have really eroded the public's faith and trust in its government. This is one small step to restore that trust in faith and to show the public that we are willing to do what it takes to listen to the ethics commission staff share with us their knowledge to make us better legislators and to allow us to serve the people in the way that it should be served.

"This bill will not add any additional cost to government. This bill will mandate, generally, what is happening now. We are having ethics training. However, not everybody attends, and this will show the public that we take ethics training seriously, we realize some of the mistakes in the past that some elected officials have made, and we will do our best to make sure those never happen again.

"Thank you, Mr. President."

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

"Mr. President, I rise in opposition to this bill.

"It's interesting to note that the former State Senator, the former City Council people, the former Speaker of the House, the other people that I'm sure the last speaker was eluding to, all went to jail and that probably is the best thing to restore the confidence in the public.

"But the best thing about that was and the thing we should remember is we have a code of ethics right now. We've had it for some time. We have ethics requirements. We have financial disclosures. We have things that we are supposed to do. Yet, not one of those crooks went to jail because of anything the ethics commission did. It was because of violations in campaign spending.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 883 was adopted and S.B. No. 296, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Whalen).

Stand. Com. Rep. No. 884 (S.B. No. 317, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 884 be adopted and S.B. No. 317, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in strong support for S.B. No. 317.

“Certainly, this would appropriate funds for the Korean War Commission to commemorate their 50th anniversary of the Korean War. I believe this is a small price to pay to recognize the key role and sacrifices of many of Hawaii’s heroes from the 5th Regimental Combat Team, which was stationed at Schofield Barracks, and their efforts for the war.

“In particular, with the potential hostilities of Korea telegraphing across our minds, I think this is the best time to express our support for veterans of the past as well as men and women in uniform today.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 884 was adopted and S.B. No. 317, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Baker, Whalen).

Stand. Com. Rep. No. 885 (S.B. No. 318, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 885 be adopted and S.B. No. 318, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I stand in opposition to this bill.

“This is yet another one of the bills trying to eliminate the use of privatization as an option. It talks about state and county partnerships and yet the county and the state testified against this bill, managed competition, as weakening Act 253.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 885 was adopted and S.B. No. 318, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Baker, Whalen).

Stand. Com. Rep. No. 886 (S.B. No. 344, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 886 was adopted and S.B. No. 344, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SHELTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Baker, Whalen).

Stand. Com. Rep. No. 887 (S.B. No. 386):

Senator Taniguchi moved that Stand. Com. Rep. No. 887 be adopted and S.B. No. 386, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I stand in opposition to this bill as it seeks to dilute the powers and authority of our chief executive. It is her responsibility and that of the Director of Budget and Finance to see that all spending is done in the best interest of the State.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 887 was adopted and S.B. No. 386, entitled: “A BILL FOR AN ACT RELATING TO UTILIZATION OF FEDERAL FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hogue, Slom, Trimble). Excused, 2 (Baker, Whalen).

Stand. Com. Rep. No. 888 (S.B. No. 399, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 888 be adopted and S.B. No. 399, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in support of this measure.

“I spoke briefly of this on a previous measure but I’d like to reiterate that this is a concept and implementation that was first adopted in New York City at a time when their crime rate was one of the highest in the nation. It’s a technological breakthrough which systematizes statistical data in a computer system. With this technique, it produces a rapid analysis of crime data and allows police to act on problems immediately, real time.

“The state of the art computer statistics COMSTAT program is successful in several other large cities nationwide – New Orleans, Chicago, Los Angeles, as well as New York. These cities have all boasted of significant crime reduction. So with passage of S.B. No. 399, Hawaii can join these cities in reducing crime and be more able to protect and serve our residents and visitors, Mr. President.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 888 was adopted and S.B. No. 399, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE COMSTAT PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 890 (S.B. No. 464, S.D. 2):

Senator Kokubun moved that Stand. Com. Rep. No. 890 be adopted and S.B. No. 464, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against S.B. No. 464, S.D. 2.

"Very briefly, members, this could be a huge financial commitment, way in excess of a small state like Hawaii's ability to pay. There's no economy to scale. Fixed guideway systems, in addition, are obsolete technology as we move into the twenty-first century. Those systems that are in larger cities have a base population of millions, not one million.

"What's hidden in this, besides the billion dollars-plus that would be needed to build a system like this, is the operating costs. For the record, everyone believes that the bus system is a real deal. Well, it is for the person getting on and paying the low fare, but for the taxpayers, it's subsidized over \$100 million a year. There is no cheap transportation, and hiding the cost behind taxes does not fix the problem.

"But the alternative is to do many things that could alleviate the traffic immediately without spending a lot of money – for instance, deregulating the marketplace by eliminating the PUC's monopoly practice of only authorizing service in certain areas with certain providers. Most other states in the nation do not have a statewide regulatory body controlling their transportation resources. Another simple thing that could be done immediately is fix our highways. I had the pleasure of serving on OMPO with the good Senator from Waipahu and I saw that it is a bureaucracy that runs the highway department, not the leaders running it.

"A simple solution to our traffic problem in Honolulu is to make Pensacola one way mauka so people could turn directly onto the highway, and Piikoi one way makai so people getting off could go directly in the makai direction without ever having the traffic cross. This simple solution has been on the drawing boards for 12 years, and OMPO has failed to do anything.

"So, until we solve our problems with existing resources, it does not make sense to make a billion dollar or more commitment for such a small state to a fixed guideway system.

"I urge my colleagues, especially those in the outside islands who are going to be paying for it, to vote 'no.'"

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

"Mr. President, I also rise in opposition to the bill.

"I'd like to add to the comments of the good Senator from Kailua/Waimanalo. He mentioned a fact that's often overlooked and that is, in addition to the cost of construction, the cost of operation he mentioned, but there's also the cost of maintenance, and these systems are extremely expensive to both operate and maintain.

"In addition to that, if we take a look at any of the statistical data of any of the cities across the United States that have mass transit systems, we find that the costs have gone up and the ridership has continued to decline. Now, the answer always is, when we go to the mainland, we love to ride on the BART, or when we go to Washington, D.C., we ride on the Metro. That's true; we do. But that doesn't bode well for the people that have to pay the taxes and support these particular projects. And as the Minority Leader said, you also have a problem of the economy's scale with the total population as well.

"But there are a number of other things that we have to be concerned about in this bill specifically. One is fixed rail transit. If we're talking about mass transit, if we're talking about traffic alternatives, that's one thing. But we're talking

about fixed rail transit, which is the oldest technology that we have.

"I can recall back in the days back in the late '80s when we had this same debate again and it was very emotional, when the proposal was put out to bid there were some very innovative bids that were received in terms of magnetic levitation, in terms of doing things other than fixed rail, rail on steel. And yet that was the method that was chosen and here we are 12, 14 years later and we're talking about doing the same thing. We're not talking about exploring options or looking for the best technology. We're saying we're going to do that.

"We always throw in the idea of a monorail because people remember their visits to Disneyland and Disney World. Everybody loves a monorail, but a monorail is not a passenger transportation facility for any long haul.

"In addition to that, we have no idea where the site would be, have no idea where the cost would be. But we do know that in this bill, as soon as a site is selected, immediately the state can swing into action and use all of its powers, including, as the bill specifies, eminent domain, to take people's property, even if later on that project, like so many government projects, never get started or never gets completed.

"So, I think we've got some real problems here and as the Minority Leader pointed out, the neighbor islanders, where there really is a problem of lack of transportation, mass or non-mass transportation, that's where we should be looking in terms of trying to unite our islands and unite our state with transportation policy, and we're not doing that. We're putting all our eggs into the old broken basket.

"Thank you."

Senator Kawamoto rose to speak in favor of the measure as follows:

"Mr. President, I rise to speak in favor of the bill.

"Mr. President, the bill calls for a review of, again, past concepts of fixed rail, whatever mass transit we have. It doesn't indicate that we're going to do it.

"Again, the bill was asked to be put on this Session because our Congressman Neil Abercrombie indicated to us that there is a possibility where we could get a 90/10 match between the federal government and the state – 10 percent state, 90 percent federal government. That's fantastic for what kinds of deals we're getting now. We've gotten 80/20, 50/50, and to get that kind of commitment from our Congressman if we can push a bill like this through.

"Again, all it does is to study. Maybe the word immediate is a bad word in there but at Conference we're going to try to move that out. Again, it provides a study to ensure the desires of the community to look at mass transit or some kind of fixed rail system.

"As far as the concern about the traffic, if anybody doubts the type of traffic we have in the Leeward, Central corridor, they can come out one morning and drive that corridor. It's the nation's worst traffic mess that we have. So we need to address it and we in the Transportation Committee are trying to address it the best we can at minimum cost and to provide our congressional people the intent of our State.

"So, Mr. President, I urge my colleagues to vote 'aye' on this bill."

Senators Baker and Inouye then requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator English rose to speak in support of the measure with reservations and said:

“Mr. President, I rise in support of the measure with very strong reservations.

“Let me explain some of this. I think that this idea needs to be debated on Oahu. What I’m concerned about is that this relieves the city and county of Oahu from dealing with the issue. If you read Section 2 on page 2, it says, ‘the state Department of Transportation in conjunction with the Oahu Metropolitan Planning Organization shall develop an action plan for the implementation of a fixed rail transit system or monorail for Oahu, picking the site, etc., etc., permits.’ And then Section 3 says, ‘Immediately upon selection of the site for the fixed rail transit system or monorail, the department of transportation shall initiate proceedings, through the State’s eminent domain powers or direct negotiation, to acquire the land necessary to implement the system.’ These are the two points that I object to.

“This is really a city and county of Honolulu issue. And yet it’s taking state resources, through the Department of Transportation, using the state’s eminent domain power to immediately take property and using the state money – our treasury – to pay for that condemnation. The city and county will not pay for any of this. They want a monorail system; they want a train system. I think they should debate it. I will support that debate, but I don’t think that myself, representing Moloka’i, parts of Maui, and Lana’i, and our people there should have to subsidize this system here.

“In Lahaina we have a very sort of a blight of a problem where years ago they went in and condemned homes, people’s homes, to put in a highway and then stopped the project. The homes are sitting there empty now. What a shame. What happens? This says, ‘shall immediately upon the selection of the site,’ the Department of Transportation will go and use the state’s power of eminent domain to take the property. What happens if the money doesn’t come through? What happens if the plan doesn’t go? We’ll have all these condemned homes and people that have been dislocated – the state’s right to take property for public use and it sits there unused like Lahaina.

“So, I would like to support Oahu in this debate, but I don’t think that the rest of the state should pay for it. So that’s my reservations, Mr. President.”

Senator Hooser rose to speak with reservations and said:

“Mr. President, I’d like to also rise with strong reservations and speak.

“I’d like to echo the thoughts of my colleague from Maui, Molokai, and Lanai, and to add that this is a state government authorizing a system that would primarily serve just Oahu and the city and county of Honolulu. The neighbor islands also have tremendous needs and will be paying for this system. And though I will be supporting it with reservations, I would encourage, as it moves forward, to consider the neighbor islands to be included, at least in the planning.

“I support mass transit and I think that if planning and land acquisition even would be done today, which may be 50 years ahead of time, that the money would be well spent, in contrast to condemning land on this island right now and the expense of it. So my main objection is that the neighbor islands will be paying for it and, at this point, are not included.

“Thank you.”

Senator Kim rose to speak in favor of the measure as follows:

“Mr. President, I rise to speak in favor of the measure.

“Mr. President, first of all, let me just say that the magnetic levitation system that our Senator from East Honolulu spoke about is certainly considered a fixed rail system. Obviously, I went to the city that had it and viewed all the different systems when I was on the city council. That was 12 years ago. I think it was at least 12 years ago that mass transit did not pass at the city council. And back then it was said we don’t need transit; we’ve got other alternatives; we should look at other alternatives; we can solve our traffic problems – 12 years ago. Today, we have the same gridlock if not worse gridlock.

“The same arguments that we don’t need mass transit; it’s going to cost too much; we can solve our traffic problems, and yet we haven’t solved the traffic problems. We’re talking about the same kinds of issues we talked about 12 years ago that I’m sure was talked about before my time and is going to be talked about again, 12 years from now. Something has to be done.

“If we want to talk about the fact that this is an issue just for Oahu, well, let’s look at the convention center. That was an issue that the city and county proposed to build a convention center. And what did the state say – ‘No, city, you shouldn’t build the convention center. We want to build a stand alone convention center. We’re going to pay \$250 million for this convention center.’ And low and behold, the state went and preempted the counties and put in the convention center.

“This body did that, and now we’re saying that when it comes to mass transit where 80 percent of the people live on this island, that the traffic conditions on this island are not going to affect the entire state? I think it’s going to and I think we’ve got to do something. And if the county is not going to do it, then I think that the state needs to step in and help them.

“Thank you.”

Senator Chun Oakland rose in support of the measure with reservations and stated:

“Mr. President, I speak in support with reservations.

“I represent a district that has the Pali Highway, Likelike Highway and the H-1 running through it, so any kind of traffic proposals that come before this Legislature will directly impact my district.

“I have a concern similar to the Senator from Molokai, Maui and Lanai, as well as Kauai, in that it has been represented that this is an exploratory effort but yet there is authorization to condemn lands. And that would impact my district. Because as most of you know, there’s Nimitz Highway, Dillingham Boulevard, King Street, Vineyard Boulevard that’s all going through my district. And as it is now, it’s very congested. If we were to put any kind of light rail through it, I don’t think the existing roadways as they’re configured could potentially accommodate that and may result in condemnation of property in the district.

“So, Chair, if this measure does go forward, I hope that these concerns will be considered in the final outcome.

“Thank you.”

Senator Tsutsui requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 890 was adopted and S.B. No. 464, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 5 (Hanabusa, Ihara, Sakamoto, Taniguchi, Whalen).

Stand. Com. Rep. No. 892 (S.B. No. 579, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 892 be adopted and S.B. No. 579, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in support of the measure with reservations and said:

"Mr. President, I rise in support of this program with reservations.

"I think we can all support the police department and what they're trying to do to have an alternate emergency system or non-emergency system for 911, but there are several problems with this. First of all the HPD has complained that they get over 1 million calls a year now on the 911 system and many of the calls have nothing to do with emergencies.

"Some of us may recall more than a decade ago First Hawaiian Bank, as part of its community service, spent, I think, \$40,000 or \$50,000 on a community marketing project to, at that time, get people weaned away from using 911, telling them, 'hey, it's for emergencies; let's use it responsibly; let's not add to the cost or to the congestion.' And they said to look up alternate numbers if you had something you wanted to talk about or get advice on. The police department immediately came out and said, 'No, we don't want that. We want everybody to call 911 because it's easier to control and regulate.' And in fact, people do and they call for recipes and they call for child rearing and they call for movie reviews and everything else through 911. And thus, the 1 million calls a year. So, it's kind of a self-fulfilling problem that they have created.

"Now, they want to go to an alternate system, 311. They're going to have a problem of educating people to get them away from the 911, since it's so embedded now. But that's fine and that's doable. However, the original proposal was that there would either be a surcharge or a tax or a fee that would apply to every land phone and also every cell phone. Now, we already pay fees for the 911 service; this would be in addition to that. They kind of have backed away from the idea of the surcharge or the fee at this time, wanting instead an appropriation, a general appropriation, to get the system up and running. But there are questions about what the total cost will be and I'm not convinced that, ultimately, once if the system is approved, once it's up, there will be then a call to have additional taxes, surcharges, or fees to support this.

"So, I will support the general concept. I think there's other ways of doing it. We also have questions involving the personnel. Are they going to be transferred from the 911 system right now or are we talking about hiring new people just to operate 311.

"Thank you."

Senator Hogue requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 892 was adopted and S.B. No. 579, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORT SYSTEM, KNOWN AS 3-1-1," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Hemmings). Excused, 4 (Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 895 (S.B. No. 711, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 895 be adopted and S.B. No. 711, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Kanno requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 895 was adopted and S.B. No. 711, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 897 (S.B. No. 880):

Senator Taniguchi moved that Stand. Com. Rep. No. 897 be adopted and S.B. No. 880, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hemmings rose to speak against the measure and said:

"Mr. President, I rise to speak against S.B. No. 880.

"I think it would be more prudent to eliminate the funding, if any, which will eventually turn up in this bill for service to be to the Governor's Office or the Legislature, no matter who expends it, and instead rely on volunteers who may be willing to conduct the tours at no cost to the state.

"This could be modeled after the DOE's Kupuna program. I'm sure there would be many senior citizens who would be proud to conduct these tours at no cost to the state.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 897 was adopted and S.B. No. 880, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 5 (Fukunaga, Hooser, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 898 (S.B. No. 966, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 898 be adopted and S.B. No. 966, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I stand in opposition to this measure.

“Here again is another one of a series to expand bureaucracy. It is a function that needs to be done. It is best handled at the department level, and it’s best done with direction from the administration. It does not need specific legislative action.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 898 was adopted and S.B. No. 966, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RESOURCE MAXIMIZATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 2 (Slom, Trimble). Excused, 6 (Aduja, Fukunaga, Hooser, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 901 (S.B. No. 1149):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 901 was adopted and S.B. No. 1149, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 3 (Hemmings, Hogue, Slom). Excused, 5 (Aduja, Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 903 (S.B. No. 1347, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 903 be adopted and S.B. No. 1347, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hogue rose to speak in favor of the measure and said:

“Mr. President, I rise to speak in favor of this bill.

“Mr. President, in particular, I’m appreciative that the Majority Party finally saw the wisdom in removing the requirement that the precinct chair be of the same party as that of the Governor. After 40 years I think it’s important that we thank you very much for finally becoming nonpartisan.

“I’m voting yes, too, by the way, Mr. President. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 903 was adopted and S.B. No. 1347, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aduja, Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 905 (S.B. No. 1401):

Senator Taniguchi moved that Stand. Com. Rep. No. 905 be adopted and S.B. No. 1401, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this bill.

“Some people were wondering whether I was going to oppose the bill this year since our Governor has embraced it. Trying to be consistent, I opposed the bill last year with the old Governor, citing that it was going to be an additional charge on passengers here while inter-island passengers are exempted. The good Senator from the Big Island had corrected me in Committee saying that if you leave from Hilo, you still will pay it.

“So it still is going to be an additional charge. The travel agents have told us that. It represents a new fee or charge and I’m voting ‘no.’ Thank you.”

Senator Kawamoto rose and said:

“Mr. President, I just want to clarify that it’s an added fee, but if we don’t add the fee from here, that means two of the stops along the way in your route . . . let’s say you go from here to L.A. to Texas. L.A. and Texas will collect their fee. They can put two fees. So, since the passenger is going to be charged two fees, we might as well take on of the fees. The fee is \$4.50 that would be charged here and L.A., and Texas cannot charge.

“So, yes, there’s a fee, but if somebody is going to make a fee and benefit from it, then it should be us. So it’s meaning \$15 million more to our state coffers and special funds.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 905 was adopted and S.B. No. 1401, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 5 (Aduja, Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 906 (S.B. No. 1404, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 906 be adopted and S.B. No. 1404, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I speak in opposition of S.B. No. 1404, relating to impact fees.

“This relates to the counties as well. One thing I did note, Mr. President, I did vote with reservations in Ways and Means, but in looking at the bill, it’s rather interesting that the Department of Transportation would implement this program. And yet, if you look on page 4, adoption of rules, on line 4, they want all the counties to do everything by their rules but it does say the department may adopt rules pursuant to Chapter 91 to implement this part. And in so doing, Mr. President, looking at the bills and impacts, it’s rather interesting as well.

“During the Committee hearing, there was everybody else. Absence of the counties’ input in opposition is because probably this bill has surfaced immediately even though there were Committee hearings, and I’m very concerned that there wasn’t much discussion on this in relation to the counties doing this as well.

“So, with that, Mr. President, I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 906 was adopted and S.B. No. 1404, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 7 (Baker, Hemmings, Hogue, Hooser, Inouye, Slom, Trimble). Excused, 5 (Aduja, Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 909 (S.B. No. 1478, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 909 be adopted and S.B. No. 1478, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose with reservations and said:

"Mr. President, I rise with reservations.

"I think that the net effect of this will be in the future to increase the litigation expense of the state.

"Thank you."

Senator Kim requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 909 was adopted and S.B. No. 1478, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT CONCESSIONAIRES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Aduja, Fukunaga, Ige, Ihara, Whalen).

Stand. Com. Rep. No. 911 (S.B. No. 1657, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 911 be adopted and S.B. No. 1657, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition to this measure.

"It is a new tax. It creates a new special fund. I think I've said enough.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 911 was adopted and S.B. No. 1657, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADMINISTRATION OF PARKING FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 15. Noes, 3 (Hemmings, Slom, Trimble). Excused, 7 (Aduja, Fukunaga, Ige, Ihara, Kim, Menor, Whalen).

Stand. Com. Rep. No. 916 (S.B. No. 360):

Senator Taniguchi moved that Stand. Com. Rep. No. 916 be adopted and S.B. No. 360, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose in opposition and said:

"Mr. President, I rise in opposition to this measure.

"I think what we're doing is essentially creating a junkyard for our schools.

"Thank you."

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

"Mr. President, I rise, also, in opposition.

"Didn't we just get rid of the DOE storeroom? The storeroom that kept all the materials and allowed the bugs to destroy the things and things to rot and everything else. This sounds like the same kind of thing under the DOE control, only this time it will just be for recyclable and reusable things, hopefully. But to me, I don't think the DOE should be in charge of warehouses or storerooms.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 916 was adopted and S.B. No. 360, entitled: "A BILL FOR AN ACT RELATING TO REUSABLE RESOURCE CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 2 (Slom, Trimble). Excused, 7 (Aduja, Espero, Fukunaga, Ige, Ihara, Menor, Whalen).

Stand. Com. Rep. No. 917 (S.B. No. 576):

Senator Taniguchi moved that Stand. Com. Rep. No. 917 be adopted and S.B. No. 576, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise to speak in opposition to this bill, which, colleagues, should be called the anti-autonomy bill for the University of Hawaii.

"We often say how much we want UH to be more financially and managerially independent. You would assume that this would mean that the board of regents, the president, administrators would control the way that they can spend their funding. But this bill actually goes in and disallows the UH board of regents from spending tuition fees on generating private donations.

"I think it's important, for the University of Hawaii to grow, that they be able to go out there and raise private donations, and they ought to be able to spend the money as they see fit. This is the worst in the way of micromanagement. As Legislators, we have to step away and give the university the ability to make its own decisions.

"We voted for autonomy a few years ago. Our constituents also voted for autonomy. Let's follow through and let's vote this bill down.

"Thank you very much, Mr. President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 917 was adopted and S.B. No. 576, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 5 (Hemmings, Hogue, Hooser, Slom, Trimble). Excused, 4 (Aduja, Espero, Menor, Whalen).

Stand. Com. Rep. No. 918 (S.B. No. 667, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 918 be adopted and S.B. No. 667, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in support of S.B. No. 667.

“This bill offers a plan to allow input in local communities on the governance of their local schools and also aligns schools to be governed as complexes. Mr. President, the current governance system does not allow local control of schools and does not align administration and management of schools by complexes.

“This bill should be viewed in two major parts. First, the board of education part, that composition proposed in this bill includes elected and appointed members. Many other states use this combination of elected and appointed members. Also, S.B. No. 784 proposes 17 board of education members, each elected from a district composed of three representative districts. Last year we looked at proposals of seven, eleven, fifteen boards of education.

“Mr. President, people question what is the Senate’s position? Where are we going? I believe for a constitutional amendment for the board, we need to have several options in play, and certainly, this part of the bill proposes one option, elected and appointed. The other bill proposes another option. Both look to how to improve on what we have.

“We need to explore what makes sense. How do we improve student achievement? How do we reduce bureaucracy at the top, hierarchy at the top, and bring resources, decision making, to school complexes?

“The second portion of this major bill, a major portion of this bill, does address moving resources and decision making, and authority closer to school complexes. So this portion of reform can take place right now. The board of education portion of the measure would require selection of the best option, then putting that matter before the voters.

“This bill does several things, again – elected and appointed members of the board, establishes seven regional boards of directors with one coming from that local board which would be Mr. Hara from Kauai and Ms. Cochran from the Big Island, etc. That’s already in place. That could happen with the existing people. And the other members of that board would be appointed by the Governor from the local complexes. That group would have an ability to appoint and direct their regional superintendent, recommend repair and maintenance capital improvement project priorities, get input from the public.

“Also, the elected board member would chair that regional board and connect to the state board via that way. Also, this measure includes a principal’s advisory council in each district to advise the regional superintendent on regional administrative matters, procedures, operational concerns.

“Certainly, the hope would be to better align complexes seamless K-12. And certainly, I welcome, we welcome continued ideas on reform initiatives. I believe this measure, part two, is something we can do right away. Part one, still

options to be considered as we go forward. There’s many options out there.

“Thank you, Mr. President.”

Senator Hogue rose in support of the measure with reservations and stated:

“Mr. President, I rise to speak in support of this bill with very strong reservations.

“First of all, I’d like to acknowledge that the author’s intent of this bill was a transition plan to move towards local decision making. So I appreciate that, however, it really, unfortunately, doesn’t get it done and it really, unfortunately, is again another work in progress.

“I’m sure that you probably got one of these – I guess it’s kind of like a road map, these little bumpy things and circle thing and squares and the whole bit. I’m just trying to imagine trying to sell this to the local communities. I think it would be really difficult to go out there and try to sell them as to who’s in charge of the schools. Is it the regional board of directors? Is it the regional education agencies? Is it the principal’s advisory council? Is it the statewide board of education? Is it these local things? You know, you can see where, despite all the effort that was put into this, it would be very, very difficult to sell. You probably have to have a book to try to explain what all these little things mean here.

“So, well intended, but we need to simplify, and I think that the people have already spoken in this last election. They said they want change, they want reform, and they certainly want a voice. And that really should be the message. And if we’re asking what the Senate position ought to be, it ought to be to trust the people to make the decision. Put local schools on the ballot and allow the electorate, allow the electorate to actually make that decision.

“So, again, I won’t vote ‘no’ right now but if it doesn’t get better here by the end, I certainly will. I certainly hope that we change our position and ultimately allow the electorate to make that choice.

“Thank you, Mr. President.”

Senator Menor rose to speak with reservations on the measure and said:

“Mr. President, I just want the record to note that I’m voting ‘aye, with reservations.’

The Chair so ordered.

Senator Ihara rose to speak in favor of the measure with reservations as follows:

“Mr. President, I rise to speak in favor of this bill with reservations.

“Mr. President, I have reservations. I support this bill, and the reservation I have is I’m hoping for some coherence in the Senate position on the governance structure of our educational system.

“S.B. No. 667 that we’re voting on now says a seven elected, six appointed statewide board. S.B. No. 784, which we’re going to vote on later says 17 elected members. I’d like to give some gentle criticism because I think that we’ve had the time to formulate a unified position on this and I think, like other Senators have said, the public believes that we need to do

something. And whatever that position is, I'm voting for this bill hoping that we will get our act together and have a position, rather than two positions.

"Thank you."

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

"Mr. President, I'd like to speak for a moment in support of this.

"I'd like to speak in support of this, and I know it does appear complicated but I appreciate the attempt made to answer the questions, because on the other extreme is something, in my opinion, that is too simple. One thing I think we can tell all of our constituents is there are not simple answers.

"I, for one, appreciate an attempt to follow the path to see how these systems would work. I think there are many positive aspects to this program, recognizing that it is a work in progress, but it does make a good effort to bringing more local control down to the level of the school complexes.

"Thank you."

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

"Mr. President, I rise in opposition to the bill.

"On the contrary, I think there are some simple answers. I think we oftentimes try to make things more difficult than they are. The simple matter is that parents want to have more say into their schools. Local communities want to have more say into who's on their school boards and who actually runs the schools and who they can hold accountable.

"I know there was criticism of the plan last year and this year for the seven district school boards. Of course, the idea there was not to replicate the state school board. The people that said, well it's going to cost you X-millions of dollars more to implement that, were making a fundamental mistake. They were saying that we're going to keep the state school board and we're going to replicate that with seven. And that's what this plan does.

"As nice and neat as the drawing is, basically, it's made up by the DOE, for the DOE, of the DOE, and the parents are not here. The people, the taxpayers, are not here. And now we go from elected people to appointed people and it's so complicated. I had asked the maker of this bill the other day as to what the cost implications were. He said that was legitimate question but we didn't have an answer for it.

"Again, we are forging ahead in the darkness without having a specific plan. We're telling everybody to have hope and to follow us, but they don't know where we're going, and we don't know where we're going. The point is we're not making it simpler and we're not decentralizing. That's the whole point. That would be the simple approach – we're not doing that.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 918 was adopted and S.B. No. 667, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 919 (S.B. No. 929, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 919 be adopted and S.B. No. 929, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak against the measure and said:

"Mr. President, 'no' vote – special fund. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 919 was adopted and S.B. No. 929, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFTER-SCHOOL PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 923 (S.B. No. 1239, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 923 be adopted and S.B. No. 1239, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Baker rose and said:

"Mr. President, I have remarks in support of this measure I'd like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 1239, S.D. 1.

"Hawaii still derives over 90 percent of its energy from fossil fuels, the vast majority from petroleum. As gasoline prices continue to rise at the pumps, we are once again faced with questions about our State's energy security. Our economy depends on the imported fuel that runs everything, including the vehicles that take us to and from our jobs, to the computers that sit on our desks, and the aircraft that bring in our visitors each day.

"The Legislature has always recognized this fact, and as a result, Hawaii has been a leader in promoting a broad range of alternative energy sources. With S.B. No. 1239, S.D. 1, we have an opportunity to promote another alternative energy source for Hawaii's diesel vehicles.

"We are fortunate to have biodiesel pioneers here in Hawaii. Through the efforts and diligence of research entrepreneurs like Kihei resident Bob King of Pacific Biodiesel Inc., biodiesel is the most readily available biofuel in Hawaii. It can be made from soybean or vegetable oils, or animal fats, which means it may be made from used cooking oils and grease. While the use of biodiesel will reduce our dependence on diesel made from petroleum, it will also improve our environment. This additional benefit of using biodiesel means that waste cooking oils and grease, that would otherwise end up in our landfills, may be recovered and converted to useable automobile fuel – biodiesel. We can reduce the strain on our landfills by eliminating the need to dispose of grease and greasetraps in our landfills. And who wouldn't prefer the aroma of an environment-friendly exhaust that smelled of french fries rather than the noxious fumes of petroleum-based diesel?

"We need to examine continually all avenues to reducing our dependence on petroleum. Biodiesel gives us an option for addressing the energy requirements for an important sector of our transportation infrastructure while allowing us to reduce our oil dependence. I urge my colleagues to join me to support this important measure.

"Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 923 was adopted and S.B. No. 1239, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Whalen).

Stand. Com. Rep. No. 924 (S.B. No. 1593, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 924 be adopted and S.B. No. 1593, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition to the bill.

"I'm not sure what environmental justice means and I certainly can't get that definition from the bill. I think it's vague. I think it's broad. I think it's an unfunded mandate and it invites lawsuits.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 924 was adopted and S.B. No. 1593, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL JUSTICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 925 (S.B. No. 1034, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 925 be adopted and S.B. No. 1034, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Ihara requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 925 was adopted and S.B. No. 1034, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 928 (S.B. No. 1287):

Senator Taniguchi moved that Stand. Com. Rep. No. 928 be adopted and S.B. No. 1287, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak with reservations on the measure and said:

"Mr. President, I rise with reservations.

"It is fitting that ATDC potentially can do no more harm now that it's being merged in another agency. Unfortunately, I disagree where the agency is being merged in. I think it's more appropriate that ATDC, since it is sitting on harbor lands, be merged into the Department of Transportation, who has the responsibility for saying that our harbors are operated in the long term interest of the community.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 928 was adopted and S.B. No. 1287, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER COMMUNITY DEVELOPMENT DISTRICT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 930 (S.B. No. 1496):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 930 was adopted and S.B. No. 1496, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 936 (S.B. No. 638, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 936 be adopted and S.B. No. 638, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition to this bill.

"An elected board will create more problems than it will solve. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 936 was adopted and S.B. No. 638, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOMES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 940 (S.B. No. 1134, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 940 be adopted and S.B. No. 1134, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition to the bill.

"The bill creates new court fees. I vote 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 940 was adopted and S.B. No. 1134, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS,"

having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 944 (S.B. No. 1156):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 944 was adopted and S.B. No. 1156, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 945 (S.B. No. 1264, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 945 be adopted and S.B. No. 1264, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senators Slom and Hogue requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 945 was adopted and S.B. No. 1264, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 947 (S.B. No. 94, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 947 be adopted and S.B. No. 94, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I stand in opposition to this measure.

"We continuously seem to be expanding the civil service system, the number of civil service employees. In this case, we're expanding it without using established civil service procedures. I have thought it a bad policy in the past and I think it's bad policy at the present.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 947 was adopted and S.B. No. 94, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Whalen).

Stand. Com. Rep. No. 948 (S.B. No. 312, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 948 be adopted and S.B. No. 312, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto rose in support of the measure with reservations and stated:

"Mr. President, I rise in support with reservations.

"I agree that the issue of healthcare is a very important concern for employees but yet we need a global solution. Health benefits for our retirees is very important, but in light of the important initiatives with the employer union health benefit trust, we need the global solution because piecemeal promises will be difficult to keep."

Senator Slom rose to speak in support with reservations and said:

"Mr. President, I rise in support of the measure with reservations.

"We certainly want to take care of the retirees but this bill leaves a lot to be desired. There's no cost estimate and it's mandates, which means that it doesn't necessarily give retirees options and best choices."

Senators Hogue and Trimble requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 948 was adopted and S.B. No. 312, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYEES HEALTH FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 949 (S.B. No. 435):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 949 was adopted and S.B. No. 435, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 950 (S.B. No. 577):

Senator Taniguchi moved that Stand. Com. Rep. No. 950 be adopted and S.B. No. 577, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 950 was adopted and S.B. No. 577, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 953 (S.B. No. 799, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 953 be adopted and S.B. No. 799, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Hanabusa rose and said:

"Mr. President, please record a 'no' vote for me and I ask that my comments be inserted into the record. Thank you."

The Chair having so ordered, Senator Hanabusa's remarks read as follows:

"Mr. President, colleagues, I know that the majority of you are in favor of the passage of S.B. No. 799, S.D. 1, Relating to Voluntary Employees' Beneficiary Association Trust. However, I cannot support the measure for the following reasons:

"Let us begin with the major flaw. The major flaw is in the fact that under the provisions of S.B. No. 799, S.D. 1, we will now require that the collective bargaining representative or the unions bargain on behalf of retirees. In order to bargain on behalf of retirees, these retirees must be covered under Chapter 89. The definition of employees under this bill fails to address this. Last year's version of the bill had this flaw and it continues in this version. To include, under Section 4 of this bill, 'Rights of employees,' the right to bargain 'including retirees health benefit contributions' does not do it. This right to bargain is to active employees, not retirees. The question is, where are the rights of the retirees to bargain for themselves; to vote on a collective bargaining agreement; to challenge whether their benefit under VEBA differ from the EUTF? After all, under Section 2 §6 (b) and Section 5 (f) those retiring after July 1, 2003 would have no choice but continue with their bargaining unit VEBA; irrespective of whether they were members of the State Health Plan prior to that time.

"I cannot impress upon my colleagues that to put a retiree issue into a collective bargaining agreement, when no statutory duty is owed to them is, in essence giving them no say.

"Arguably, their interest will be second to the actives. Who knows what time would do to their rights. Another concern is accountability. Accountability because you are not giving this responsibility to provide healthcare benefits to the union, you are giving it to a third party entity, whatever this VEBA is. IRC 501 C(9) which creates VEBAs is nothing more than the tax-exempt status. 501C(9) is the provision of the Internal Revenue Code and in and of itself does not provide for ERISA type protections or rights for participants.

"The Deputy Attorney General issued an opinion on January 30, 2003 addressing what action can and should be taken against HSTA's VEBA to collect the monies due and owing the State and the taxpayers.

"The letter says HSTA has refunds totaling \$16,413,000 for FY 95-01; for health benefit payments and an additional \$1,255,773 for FY 02. It also appears that the State ported \$147,633,800 for premiums of \$201,830,200 for the FY 95-01. Isn't there a 60/40 split? The State pays 60 percent of the premium and the employee 40 percent. Did the State overpay \$23,803,600 for this time period? What about the refund? What about the overpayment? In these times of fiscal concerns, do we not owe it to the people of the State to understand what the Legislature did when it permitted porting.

"Shouldn't we know or at least, understand first the consequences of porting in the past?

"We have delegated our responsibility. I am not willing to delegate my responsibility anymore. I believe that we owe these retirees not to delegate our responsibility not only to a union that doesn't have a legal obligation to represent them but to an organization against whom they have no legal recourse. Just as important, what about the taxpayers? Do we not owe it

to them to understand what we are doing and the consequence of the action?

"For these reasons, I continue to stand in opposition to this bill."

Senator Sakamoto rose and said:

"Mr. President, with reservations, please, on a similar global note."

Senator Taniguchi requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 953 was adopted and S.B. No. 799, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (Hanabusa, Hemmings, Hogue, Kokubun, Slom, Trimble).

Stand. Com. Rep. No. 954 (S.B. No. 895, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 954 was adopted and S.B. No. 895, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SICK LEAVE FOR PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 955 (S.B. No. 1332, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 955 be adopted and S.B. No. 1332, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition to this bill.

"The argument has been made constantly that we can't get good people unless we raise their salaries. We have been consistent today saying that we can't afford to raise salaries for collective bargaining. We can't afford to raise salaries for the judiciary. We have to be consistent and say that we can't afford to raise salaries for the executive branch as well.

"I sat through the hearing where individuals from the administration were saying that because of the low salaries, they couldn't get good people. And yet, the people who were doing the talking looked like they were excellent people. And of the 16 appointees that the Governor has made, I think that it's fantastic and it's also very clear that they have accepted these positions knowing what the salaries are right now and still willing to add that additional component of public service.

"In addition to that, oftentimes we're told that you get what you paid for. I think that when you talk about public service, you want somebody that actually understands that it's not just the money – it's trying to make a difference and trying to do things.

"So, at this time, to be consistent, I'll vote 'no' on the pay increases."

Senator Baker requested her vote be cast "aye, with reservations," and the Chair so ordered.

Senator Ihara rose with reservations and said:

"Mr. President, I have reservations as well.

"The reason is that I have the same concern as the judiciary salary commission bill. This would potentially give a pay raise every two years. Thank you."

The Chair so ordered.

Senator Fukunaga requested her vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 955 was adopted and S.B. No. 1332, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 957 (S.B. No. 377, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 957 be adopted and S.B. No. 377, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

"Mr. President, I rise in opposition.

"There were two other tax credit bills I also opposed and most for the same reasons. I'll cover them briefly, if I could.

"First of all, this tax credit, as well as the other two, applied toward a single project, single owners, and I believe if we're going to be doing tax credits of this size, we should do them toward an industry, to try to diversify our economy and give many businesses the opportunity for those tax credit benefits.

"I also object because we're giving a significant public benefit, but there's no guarantee that the construction jobs and construction contracts or the jobs that will result when the project is completed. There's no assurances – or there's no guarantees – that those jobs will be good-paying jobs. There's no assurances or guarantees that Davis-Bacon requirements for the construction jobs will be mandated.

"Last, but not least, I'd like to point out, and one of the reasons for my objection is, there is no direct benefit to the neighbor islands for any three of these. Though, I will admit, there will be trickle-down benefits, there are no direct benefits. I would prefer tax credits that allowed all communities to participate and diversify the economy and spread those benefits.

"Thank you."

Senator Espero rose for a conflict ruling and said:

"Mr. President, at this time, as I stated in a memorandum to you and to the Tourism Committee several weeks ago, I'd like to declare a potential conflict of interest as my business does

contract work with an association that is identified with Ko Olina Resort."

The Chair ruled that Senator Espero was not in conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 957 was adopted and S.B. No. 377, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Baker, Chun Oakland, Fukunaga, Hooser, Ige, Ihara, Trimble, Whalen).

Stand. Com. Rep. No. 958 (S.B. No. 661, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 958 be adopted and S.B. No. 661, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak against the measure and said:

"Mr. President, I'm voting 'no' on this bill.

"Again, it creates a special fund. Certainly we want to take care of people that have been the victims of sexual assault. This is not the way to do it. We can do it with general funds.

"In addition, it raises the fees for marriage. I'm just amazed at how many times we can add additional fees to marriage that have nothing to do with marriage.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 958 was adopted and S.B. No. 661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 961 (S.B. No. 745, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 961 be adopted and S.B. No. 745, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Baker rose and said:

"Mr. President, I have remarks in support of this measure I'd like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in support of S.B. No. 745, S.D. 1, which requires the Department of Health to integrate emergency aeromedical services into statewide emergency medical services. This measure also appropriates funds for aeromedical services for Maui County and for emergency medical services in Waianae, and advance life support ambulance services for parts of Maui and Hawaii.

"Ensuring the health, safety and well-being of our citizens should be one of our government's top priorities. When citizens are in need of emergency medical care, it is our responsibility to ensure that services exist to save lives. This measure addresses the need for emergency medical services in various parts of the State.

"You may be aware that Maui County has been without emergency medical helicopter service since 1997, when Mercy Air ceased operations. Since then, we on Maui, Molokai and Lanai have been trying to find a way to restore viable emergency medical helicopter service to our county. The county's four islands require a different approach to emergency medical services. Emergency medical helicopter transport is a key component of an effective medical rapid response and transport system for Maui County. Yet, my county, with a clear need for emergency medical helicopter service, is without such service. This measure will re-establish that vital service, integrating ground, fixed and rotor transport services with our 911 system.

"Your Health Chair has been in constant communication with the various stakeholders and interested parties. Your Health Committee believes that a workable solution to Maui County's EMS needs is feasible; county government as well as private sector have pledged support for our efforts. This service, along with ground ambulance service for Kihei, Ocean View Estates and Waianae, are vital to preserving health and safety.

"There is a very serious need on the Waianae Coast for additional ambulance service. With a population of over 40,000, Waianae residents and visitors need access to a second ambulance. 1999 statistics show that in 20 percent of cases, ambulances from Makakilo, Waipahu and Aiea had to respond to emergency calls along the Leeward Coast.

"South Maui also requires an additional emergency advanced life support ambulance service. As you may know, South Maui is the fastest growing region in the State. With a growing population and large numbers of visitors, South Maui has been ranked number one for Neighbor Islands in the Department of Health's ambulance needs assessment. Again, your Health Chair has been in constant communication with the interested parties to find a viable solution to this problem. There is great community support, and the private sector has offered to be our partner in this endeavor as well. This measure will give us the opportunity to bring this much-needed service to an underserved part of Maui County.

"Your Committee is also supportive of expanding the Kula ambulance station from 12 to 24 hours and notes that funds for that expansion are contained in the Executive Budget request.

"Your Committee also believes that funds are needed for emergency advanced life support ambulance service for Hawaiian Ocean View Estates of Hawaii Island. Because of the distances that must be traveled on the Big Island, Hawaiian Ocean View Estates finds itself isolated from adequate ambulance coverage. The Big Island, large in size, does not have the population densities that other parts of the State might, but their need for emergency service is no less real.

"S.B. No. 745, S.D. 1, will enable us to take steps to address some very serious emergency medical service needs in our State. It carries the hopes of communities on Oahu, the Big Island, and Maui for adequate emergency medical service delivery. I urge my colleagues to join me to support this important measure.

"Mahalo."

Senator Hemmings rose to speak against the measure as follows:

"Mr. President, I rise to speak against S.B. No. 745, S.D. 2.

"I've received communication from the Fixed Wing Air Ambulance Service that this would give unfair advantage to this particular beneficiary of this. This should be in a competitive market. If we do give benefits, we should give them to all the players, not just single one out.

"Thank you, Mr. President."

Senators Ihara and Fukunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 961 was adopted and S.B. No. 745, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 963 (S.B. No. 1446, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 963 be adopted and S.B. No. 1446, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

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

"Mr. President, again I rise in opposition to this bill.

"I'm all for cancer detection, cancer research, cancer technology, but again, it's a misuse of the tobacco funds from its stated purpose."

Senator Baker rose and said:

"Mr. President, I have remarks prepared in support for this measure but I just want to make a note that in this particular instance, there is a very clear nexus between smoking and cancer. The research is all there. The nexus is there for this particular event and this fund.

"Thank you very much."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise to speak in favor of S.B. No. 1446, S.D. 2, which appropriates funds from the Tobacco Settlement to the Hawaii Strategic Development Revolving Fund to assist Hawaii-based companies in their efforts to develop and commercialize technologies that detect cancer in its earliest stages.

"Each year cancer kills over half a million of our citizens, friends, relatives and family. Early detection saves lives by treating cancer in its early stages, thus maximizing the patient's chance for survival. This past fall, based on scientific research and expert opinion, the American Cancer Society (ACS) established recommendations for routine screening aimed at early detection of specific cancers in people without symptoms of cancer. Analysis has shown that such exams and tests can help save lives and reduce suffering from cancers of the breast, colon, rectum, cervix, prostate, testis, oral cavity and skin. The five-year survival rate for people with cancers for which ACS has specific early detection recommendations is about 82 percent. In fact, if all Americans had early detection testing according to the ACS recommendations, the 5-year relative survival rate would increase to about 95 percent. In Hawaii alone, this would translate into over 300 lives saved each year, not to mention the untold suffering, pain and expense that could

be eliminated. We are winning some of the battles in the war against cancer but there is more to do. The passage of S.B. No. 1446, S.D. 2, will speed our efforts.

“As the Director of the Department of Business, Economic Development and Tourism testified, ‘it is in the interest of both public health and the State’s economy to support innovation in medical research and biotechnology . . . Hawaii’s private sector has the resident resources and expertise to pioneer such innovation . . . as proposed by this bill.’ One such diagnostic effort is being developed by a Honolulu-based company Science and Technology International. Their research is on a non-invasive method of detecting skin and cervical cancers utilizing hyper-spectral diagnostic imaging. This technology detects cervical cancer by capturing the unique color fingerprint of different types of cells. Pre-cancerous and cancer cells have a larger blood flow than normal tissue and thus appear as different colors. The color sensitivity of the equipment can produce a photograph of the cervix with detail not visible through a microscope. This technology was developed in Hawaii and should be encouraged with the support of state and federal funding.

“Additionally, there is a strong and undeniable link between cigarette smoke and cancer. Therefore, it makes sense to use proceeds from the Tobacco Settlement for the purpose of supporting Hawaii-based companies working on cancer detection technologies.

“A growing segment of Hawaii’s emerging technology industry is involved in the health and medical technology area. Support for this industry not only helps our medical health but our economic health as well, by creating new higher paying technology jobs and contributing to a more diversified economy.

“Hawaii has an opportunity to create a legacy by using tobacco dollars to develop cancer detection technology that will save lives, reduce treatment costs, and improve patient quality of life for decades to come. I urge my colleagues to join me in supporting this important measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 963 was adopted and S.B. No. 1446, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Kokubun).

Stand. Com. Rep. No. 967 (S.B. No. 1599, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 967 be adopted and S.B. No. 1599, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Aduja.

Senator Slom rose to speak against the measure as follows:

“Mr. President, yes, it creates another special fund and adds fees. I’ll be voting ‘no.’”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 967 was adopted and S.B. No. 1599, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DIAMOND HEAD STATE MONUMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Kokubun).

S.B. No. 481, S.D. 1:

By unanimous consent, action on S.B. No. 481, S.D. 1, was deferred to the end of the calendar.

S.B. No. 482, S.D. 1:

By unanimous consent, action on S.B. No. 482, S.D. 1, was deferred to the end of the calendar.

Stand. Com. Rep. No. 970 (S.B. No. 918, S.D. 2):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 970 was adopted and S.B. No. 918, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS AND ORGANIZATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Whalen). Excused, 1 (Kokubun).

S.B. No. 456:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 456, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN ADVERTISING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Kokubun).

S.B. No. 459, S.D. 1:

Senator Hanabusa moved that S.B. No. 459, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kawamoto.

Senator Ihara rose to speak against the measure as follows:

“Mr. President, I rise to speak against S.B. No. 459, S.D. 1.

“Mr. President, no hearing was held on two major amendments to this bill, S.B. No. 459. The first one bans campaign donations by government contractors. I support this concept, although I’m not yet convinced that it is restrictive enough.

“It is the second amendment that I oppose in this bill. It’s the reason for my opposition. The second amendment explicitly authorizes candidates to attempt to influence community nonprofit organizations by making campaign donations to these charities. I call this the ‘influence the charities’ provision. It also deletes the law that caps the total amount that a campaign can make as a charitable contribution.

“I oppose this ‘influence the charities’ section of this bill because: (1) I believe it is not good public policy to allow candidates to attempt to influence nonprofit organizations, their employees, clients, and networks by making monetary or non-monetary donations to these organizations. I’ll read you the language that was added to HRS 11-191. It’s amended in this bill by adding the words, ‘Any contribution made from a candidate or a candidate committee’s campaign fund to any community service, educational, youth, recreational, charitable, scientific, or literary organization, provided that such contribution clearly identifies that the purpose of said contribution is to influence the nomination and election of the candidate to a particular office is deemed to be an expenditure.’

"The current law does allow for charitable donations to community nonprofit organizations, which I think is appropriate, as long as the intent is a charitable one, not a political one. But even if this law limits charitable nonpolitical contributions for a Senator, that cap is \$4,000.

"I oppose the S.D. 1 of this bill because it deletes the \$4,000 cap for Senators, \$2,000 limit for House members, and \$6,000 for statewide candidates. This bill allows well-funded candidates, including Senators and other candidates, to spend an unlimited amount – \$100,000, \$150,000 or more – seeding the community, legally attempting to influence all the nonprofits in their district.

"I want to quote a message I got. It's from a key official which I will not name at this point – 'As a long time stakeholder in election campaigns, I've observed that Senators donate to certain community organizations and are able to get their campaign volunteers part-time positions in their organizations. From there, they are able to recruit more campaign volunteers or pro-candidate voters. The community organization usually does not know it is being used, but they do know that if the Senator or Representative does not get back into office the next year, they will lose some of the funding that the candidate gives as a donation.'

"The chair of Common Cause Hawaii writes: 'S.B. No. 459, S.D. 1, erases many campaign spending safeguards, allows big money interests substantially more influence on the electoral process, and allows those legislators with large (he didn't use the word large, but) large 'campaign war chests to try to influence organizations in their districts with money. Clean, open government is a major interest to voters and we don't want to see hard won gains in fair campaign practices lost. We are hoping that you will reject this bill, allowing voters a clear picture of who we can count on to safeguard a clean government.'

"Also, I have concerns about the lack of public review of the 'influence the charities' provision. I do acknowledge the Judiciary Chair for being very open to citizen input and thank her very much for what I've seen as a well run Committee. But I have not been able to detect this intention with the 'influence the charities' provision to allow public input on this provision. This provision was inserted at the last minute so that no one, not even Committee members knew of this provision beforehand.

"The bill did not receive comment by myself or others on Second Reading because it passed after the Senate recessed. If I thought about it, I would asked for it, but I didn't.

"Ordinary citizens probably would not have detected this 'influence the charities' provision from the committee report because the report says, 'Your Committees also amended this measure to allow candidates to make donations of campaign funds for charitable purposes; such donations shall be considered "expenditures" and not "contributions."' Apparently the Commission has advised that certain donations to charitable causes from campaign funds are illegal under existing law. Regardless of whether that interpretation is correct or not, your Committees want to make clear that donations from campaign funds to charitable causes shall be considered expenditures, and not contributions.' The illegal part is that if you spend more than \$4,000, that's illegal.

"Because there are no findings and purpose section in the bill, readers who look at this bill would not know what the contents of this bill were unless they read it, and it's quite a thick bill.

"And finally, and this is also a matter of concern, the bill description does not, in my view, give adequate notice to people reviewing, trying to watchdog these campaign bills. It does not give them, I think, enough notice about what I call the 'influence the charities' provision because it was amongst ten items that the bill allows expenditures from campaign funds for charitable purposes. As I mentioned, expenditures for charitable purposes are already allowed by law up to a limit, but what the bill does is remove that limit.

"I believe that opposition to the 'influence the charities' section of this bill is enough to vote 'no' on this bill. Fortunately, the other good part of the bill – and there are many other good parts of the bill – bans government contractors from making donations. There is H.B. No. 284, which is alive and which should be in our hands shortly. And there are other provisions, relatively minor positions, that I do not believe we need to pass this year.

"So, therefore, I urge my colleagues to vote 'no' on this bill. Thank you."

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

"Mr. President, I beg to differ. I rise in support of this bill.

"Mr. President, as far as the charity, the seeding portion of this, when we heard the bill, I personally introduced the amendment to delete the seeding portion of the campaign spending. And primarily, Mr. President, it's not because of the fact that I wanted to influence different organizations in my community. Primarily, Mr. President, it's because the campaign spending director, Mr. Watada, has made interpretations of this thing at his whim.

"In 1995 I gave the same organizations charity. And I asked him, is this charity or is this campaign spending, because I always tell the people who I give, I give out of my campaign and I'm going to list it as campaign expense. I've done that for eight years. This year, I am standing here as people decide whether it was charity or campaign expense because somebody challenged me whether it was campaign spending or campaign expense. But the man himself who makes the determination cannot define what is campaign expense and campaign spending. And we all don't have that same interpretation of campaign spending and campaign expense. So therefore, we defined what campaign expense was.

"I think that campaign expense is to promote the things that you believe in and that you campaign on. I campaign on education. I campaign on youth receiving the best aides they can to go further their education, so I give scholarships, but I tell the schools this is from my campaign fund. It's from my campaign committee and to be acknowledged as such because this is my campaign promise – that I believe in further education of our young people. So that's campaign expense in my mind.

"The second part is the reason why I supported to take off the cap. Many of us drew back because of these caps. I did it because I had confidence in the fact that I believe strongly that these were campaign expenses. So therefore, I gave, and now I'm challenged. And they still – two, three months later – leave us hanging out on a limb because they're deciding whether it is campaign expense or campaign charity. In my mind, it was campaign expense and I gave it in that light.

"But going back, imagine if I pulled back since 1994, there would be 32 students that would not have gotten an aid to their further education. There would be boy scouts, little league

teams, girl scouts or what have you. I believe that when I give, I promote myself in the promotion that I believe in young people. I believe in the organizations that help our young people in my community. So I give. I give from my campaign treasury and I give with the intent to promote myself as someone who believes in young people.

“So therefore, Mr. President, what we defined as campaign expense in this bill, if we, beforehand, tell the people that it’s coming from your campaign treasury, you’re going to list it as campaign expense and promote what you believe in, that should be considered campaign expense. They have the right, the receive of these funds have the right to refuse if their bylaws indicate that they cannot receive campaign funds. They have the right to refuse. In the last eight years, nobody has turned down the funds that I gave them.

“So Mr. President, I urge all my colleagues to vote ‘aye’ for the young people of your communities to be able to ask you for some help, for you to be able to help them as you believe, and how we all do, believe in the young people and the education of young people.

“Thank you, Mr. President.”

Senator Hanabusa rose to speak in favor of the measure and said:

“Mr. President, I rise to speak in favor of S.B. No. 459, S.D. 1.

“First, I’d like to thank the Senator from Kaimuki for the kind words. He is correct. The Judiciary Committee has attempted to keep a very open policy to the extent that I like to ensure that my Committee members do not vote on bills unless they have the S.D. 1 or proposed changes in front of them.

“In this particular case, this is a bill that was heard during the last days right before we had to deck the bills. And in all fairness to the joint referral, the Committee on TMG, the Committee Chair did note that he wanted to have the seeding issue addressed. And that is the objection that I hear from the good Senator from Kaimuki.

“Let me explain why the amendment is as proposed. The seeding issue is really one which is now permitted under law. In the Section under this bill, it’s found on page 7 and it is basically ramseyered out to page 8. What we did, I think it was two legislative sessions ago, is we said that from your campaign funds, you may give contributions. The contributions would be for community service, educational, youth, recreational, charitable, scientific, or to literary organizations. We permitted that. Absent that permission, it is the position of the campaign spending commission that you may not, may not use campaign funds for any of those purposes.

“In other words, for those Senators who give scholarships, for those Senators who support their bobby sox or their baseball teams or PAL or whatever you may do with your campaign funds, or to nonprofits, this provision, absent the seeding provision, you are not able to do that according to the campaign spending commission. Therefore, this provision was put in and, as explained, a cap was placed on it that was equivalent to the maximum contribution you are able to receive in an election cycle. Therefore, if you’re a Representative, it would be \$2,000 for your whole two-year period. For a Senator it would be \$4,000 for that period.

“I believe that campaign spending is one that requires openness and fair reporting. That is what campaign spending is about. And for those who were in the Judiciary hearing, the

case that I had against the present attorney general was one that actually involved campaign spending, and that we went to the circuit court on, on the city’s ordinance, which was ultimately ruled to be unconstitutional.

“This campaign spending law is nothing that I am unfamiliar with. Let me tell you what it really is in terms of what we’re talking about. You are going to make a philosophical decision and that is, without any question, what you’re being asked to vote upon. The bill is a good bill. The philosophical decision that we are all going to make here is whether or not you want to make these kinds of contributions to your community. I believe any contribution that you make to your community it is not to say whether it’s for a charitable purpose, because who is to say whether a purpose is charitable or not?

“What you must stop and realize is the reason why you have contributions is because of the fact that people are out there saying to you, we want you to be a Senator. That’s what they’re saying. We’re giving you money to promote yourself as a candidate and to get you elected. That is why you get campaign contributions. People do not give you campaign contributions with the expectation that you’re going to give it away to charity. If they did, then maybe you better reassess whether or not you’re in compliance with the IRS, because then it may be income because it’s for a totally unrelated purpose. So what you really are receiving monies for is because you are running for political office.

“The next question you must all decide is, should part of that money be used for charitable purposes, in other words, to giving to whoever asks you for a contribution? I believe it is up to each individual as to whether you do that or not. However, that use of your money is an expenditure and it is properly defined as an expenditure in your campaign spending report. And therefore, if you make such an expenditure, you should inform the public, the people who receive your money, that the money is being given to them to influence the nomination and election of yourself for a particular office. That is fair reporting. That is telling the public what you are actually doing.

“It is up to you as to whether you want to be . . . to some it may be embarrassing to say, ‘hey, this is not my money,’ because that’s the fear many have – that when this money comes from you or your campaign, they think it’s from you. The check may say Friends of Colleen, but the perception is it’s from you. That’s not true. The money is from your campaign funds, therefore it should clearly say it is from your campaign funds and it is given for that purpose. The purpose is your election, because other than that, it is not a proper expenditure of campaign monies. It is not, because the people who give you donations are doing it to get you elected.

“So, you want fair reporting. You want openness. That, to me, is fair reporting. Anyone who takes your campaign spending report will know. Senator X gives to every bobby sox in this state. The reason why is Senator X believes that bobby sox, doing this somehow promotes Senator X as a candidate and will assist Senator X in getting elected into that office. It’s up to you. And it’s also up to bobby sox as to whether they want to take your money, your campaign money.

“Do not say that what you’re doing is somehow hiding the fact that it is campaign money. It is campaign money, no matter which way you put it. Simply having a maximum of \$4,000 doesn’t unmake it campaign money. It is still campaign money.

“So the amendment that is at issue here is one that I believe fairly reports it. And it is up to each and every one of you as to whether you want to use it and say that it is in fact an

expenditure and that it comes from your campaign funds. That's the decision you are to make here.

"Thank you, Mr. President."

Senator Ihara rose and said:

"Mr. President, I'd like to follow-up in opposition to this bill.

"I agree with the assessment of the policy decisions that face us now on this bill. Imagine you have your checkbook or your committee's checkbook and you have funds, other people's funds, given to your campaign – and then nonprofit organizations on the other hand. And you're going to transfer the money from your campaign, donated by other people, to a nonprofit organization or organizations.

"The current law says that it is permissible to make a charitable donation – it doesn't say exactly charitable, but let me explain. HRS 11-200 is a section of the law which allows for non-campaign expenditures. It allows you to buy two tickets from another candidate to help another candidate. That's not necessarily to help yourself, your candidacy. It allows you to spend excess funds as an office holder. And thirdly, it allows our campaign committee's funds to be used to make donations to community service, educational, etc., contributions. These donations do not have to be in order to promote your campaign.

"Now, I understand the logic of the Senator from Waianae that there may be a misrepresentation kind of issue when you portray that this is your money. I acknowledge that.

"So, under the current law, contributions to nonprofits with intent to make a charitable contribution, a charitable intent have, with a cap, a limit; that's what the current law is. What this bill does is it removes the cap and says that you have to spend campaign funds in order to only advance your political campaign. So that eliminates your being able to make donations for a charitable purpose. It says in the bill that you have to identify that the contribution to nonprofits is for the purpose of influencing the nomination and election of the candidate.

"So I think those are the two choices before us. And I contend that I don't believe it is good public policy to allow the use of campaign funds for the explicit purpose of influencing charitable organizations. I believe, personally, that it is a misuse of campaign funds.

"Thank you."

Senator Kim rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of the measure with some reservations.

"Mr. President, first, let me just state that in the 21 years-plus that I have been in office and that I have donated to charitable agencies and institutions, first of all, all of them have been those that have solicited my support.

"Second, I don't believe I've done it to influence these charities. I've never had someone from these charities come out to help my campaign, on my campaign committee, help hold signs, or help walk door-to-door. Of all the scholarships that I have given, none have ever held signs for me or ever helped on my campaign. So the intent of giving has never been in such ways to influence them to come out and help on my campaign. Whether or not they vote for me or their parents

vote for me is something that I'm not aware of. Many of these charitable groups do not even reside in my districts.

"In some ways, I'm glad that there's a cap because now we can say we can only give X-amount of dollars because there are so many requests that come that you can never really give to everybody. And even though I tend to have a large campaign fund, it is not my practice to go out and give campaign funds to all those who ask.

"But let's just say if you are to give under the \$4,000 limit that's there now, if you were to give to a particular charitable group in your district who writes to you and asks you for support, \$100, and if every year they ask you for \$100 – be it the boy scouts, be it the volleyball team, be it the kids in Kalihi who come down here and we buy them lunch and we pay for the buses so they can come and see the Capitol – that's all considered part of this charitable limit. If it was \$100 a year and they ask you for four years, that's \$400 in four years. That means within the \$4,000 limit, you can only help 10 groups if you give each of them \$100 – only 10 groups in your large Senatorial district.

"That is not a whole lot of money. That is not influencing them to come out and hold signs for you. So let's just put some logic into this discussion that we're having. I don't believe any of us are going to go out and give thousands – three, four, five thousand dollars – to a charitable group for that kind of influence. But certainly, personally, that's never been the reason why I give and I'm sure each and every one of you sitting here do not give to these groups because you want to influence them. A lot of times, they write to you and you feel bad that you cannot help or you feel guilty about not going out and at least helping with \$25, \$50, \$75. And many times that is so minor when they write to you and tell you how much they need to raise, how their treasury is badly in need of you supporting the kids so that they can go off to some tournament on the mainland where they have to raise thousands and thousands of dollars for.

"These are the kinds of support that we give in our community and if I was not running for office and if I was not a Senator, believe me, these kinds of requests would not come. They would not ask me for these donations. So it's clearly tied to the position that we have and to the fact that we're campaigning, the fact that they know we have campaign dollars and that we give monies.

"So in that sense, I support the measure. I have some reservations because of the fact that maybe there should be some cap because the community needs to know that it is not an unlimited amount of funds that we have there.

"One more thing before I end, Mr. President. For every donation that I get over \$100, I ask each of my donors for a signature to say that those funds can be used to my discretion, whether it's to be given to charity groups or whether it is to run for whatever office. So in that sense, yes, the people who give me money have allowed me to use that money to give where I believe I need to give, whether it be campaign or whether it be charitable contributions.

"Thank you."

Senator Sakamoto rose in support of the measure with reservations and stated:

"Mr. President, I rise in support of the measure with reservations as well.

"Certainly there are many commendable portions of the measure. Separate from the issue we're talking about, I support campaign finance reform that prevents undue influence by big money players. I support reform that would allow the regular Joe or Jane to participate by supporting the candidate they like or perhaps running for office as well.

"I think this measure goes the wrong way in limiting individual owners of many of the small businesses, struggling employers, from participating in government by supporting the candidate or candidates of their choice. Perhaps a reasonable monetary threshold of giving, as opposed to a flat ban on corporations, would be a better way to allow participation in government through the political process.

"As this bill is a work in progress, I feel again the measure should target the big money, target where influence peddling is most likely to occur. Thank you"

Senator Chun Oakland rose and said:

"Mr. President, I'd like the Clerk to enter the words of the Senator from Moanalua and Kalihi as if it was my own. Thank you."

The Chair so ordered.

Senator Menor requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Ige rose and said:

"Mr. President, I just would like to note my support of this measure with reservations."

The Chair so ordered.

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

"Mr. President, I speak in opposition to the bill.

"I want to thank the Senator from Waianae for her very eloquent explanation of the process and your understanding of it, and I agree that it's a question of philosophy.

"I'd like to say, from my experience from the county of Kauai, we have one district and the council, all seven, serve on the one district. The chase for nonprofit donations is incredible. The pressure on all the council members and everybody else is relentless. I, for one, support wholeheartedly limits to this, and I think it's inherently unhealthy as part of the process to constantly be competing.

"I've had nonprofits call me and they're keeping a scorecard. It's just a tremendous burden, I think, on the candidate in many respects. I like to support nonprofits as best I can, but I think it's gotten out of control in many aspects.

"In some communities, like the community that I represent, the influence carries further, carries into legislative influence. It carries forward to people who are not willing to testify in opposition to a certain person who serves because they don't want to offend that person, because that person has supported their organization year, after year, after year.

"So I support having the limit as it is now. And I'd like to say that my opposition to this bill just reflects my opinion and my thoughts on going forward. I don't know what's happened in the past, and it's not intended to impact or to make any kind

of statement whatsoever on anything other than what the bill is before us.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 459, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 8 (Baker, Fukunaga, Hogue, Hooser, Ihara, Inouye, Slom, Trimble).

S.B. No. 1075, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 1075, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTED CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1514, S.D. 1:

Senator Hanabusa moved that S.B. No. 1514, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Mr. President, I rise to speak in opposition to this bill.

"It takes one-fourth of the forfeiture money and gives it to drug treatment programs. I think we could all probably agree that drug treatment is needed and may even more drug treatment is needed. However, drug treatment funding should not come from law enforcement funds and certainly should not come from the counties. The appropriate source of drug treatment funds should be the general fund.

"This bill will take away proceeds that are vitally needed by local governments to fight all types of criminal activities, including, including drug abuse. Ultimately, counties should be free to spend the revenues that they generate where they see fit.

"So I disagree with this policy call and urge you to vote 'no.' Thank you."

The motion was put by the Chair and carried, S.B. No. 1514, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 1 (Taniguchi).

S.B. No. 1581:

Senator Hanabusa moved that S.B. No. 1581, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Mr. President, I rise in opposition to the measure.

"Mr. President, the intent of this measure is laudable and it's good. I think that we have to take into account all sentient beings and their welfare. But, Mr. President, I think one of the unintended returns here is that this could quite possibly make hunting a class C felony. For the people in my district on Moloka'i, Lana'i, East Maui, Upcountry Maui and, in fact, for all the rural areas where hunting is a major source of food and a subsistence way of life, this is objectionable.

"So I vote 'no' on this and I ask my colleagues to consider their votes as well, because unless we can fix this along the way to make very certain that we're not making hunting a class C felony, then we will be forcing a lot of people who rely on this practice for their food to break the law in order to eat. And I cannot support that, especially for my rural areas.

"So, with that, I will be voting 'no.' Thank you."

Senator Hanabusa rose to speak with reservations on the measure and said:

"Mr. President, S.B. No. 1581 was heard by Judiciary because a majority of the Committee members felt very strongly about it. I voted the measure out with reservation and I would like to continue to note my reservations and ask my Committee members that, as you know, that's the reason why I'm going with reservations.

"Thank you."

Senator Hooser rose to oppose the measure as follows:

"Mr. President, I'd like to also speak in opposition.

"I'd like the comments of the Senator from Maui, Lanai and Molokai, his comments to be reflected as my own in the record, plus I'd like to add that in my district, the police are well aware of where the cock fights are every week. It's already against the law. Gambling is already against the law. And I think if there was a willful enforcement, much more could be done in this area and I'm just extremely concerned that the issue is far too broad and it's a slippery slope that will affect, again, the hunters and others in our community.

"Thank you."

Senator Baker rose and said:

"Mr. President, would you please note my strong reservations on this matter too."

The Chair so ordered.

Senators Kim then requested her vote be cast "aye, with reservations," and the Chair so ordered.

Senator Espero rose and said:

"Strong reservations, Mr. President."

The Chair so ordered.

Senator Hogue requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Aduja rose with reservations and said:

"Mr. President, also, I'd like to note my reservations and I'd also like to incorporate the arguments of the Senator from Maui, Lanai, and Molokai. Thank you."

The Chair so ordered.

Senators Slom and Kawamoto then requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1581, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (English, Hooser, Inouye, Kokubun, Trimble, Tsutsui, Whalen). Excused, 2 (Sakamoto, Taniguchi).

Stand. Com. Rep. No. 987 (S.B. No. 78, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 987 be adopted and S.B. No. 78, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Hogue rose and said:

"Just please note my reservations due to the treble damages portion of this bill. Thank you."

The Chair so ordered.

Senator Baker rose and said:

"Mr. President, I have remarks in support of this measure I'd like to have inserted into the Journal."

The Chair having so ordered, Senator Baker's remarks read as follows:

"Mr. President, I rise in support of S.B. No. 78, S.D. 2. The term 'elder abuse' is a fairly new addition to our vocabulary, unfortunately we see its use far too frequently. While incidents of elder abuse continue to be illustrated in the media, it has been estimated that as much as 84 percent of crimes committed against elders are never reported. As more of Hawaii's population continues to age, it is important that we enact measures to protect the physical, mental and financial well being of our elders.

"Victims of elder abuse are often isolated and unaware of services available to them in the community. Victims are often reluctant to tell anyone because they are ashamed or fear retaliation by their abuser. In addition, some victims have physical or mental impairments or cultural and language barriers which prevent them from getting the help they need. Programs such as the Sentinel program aid elders by reporting possible incidents of abuse or neglect to the proper authorities. These initiatives help to halt the occurrence of abuse, but additional measures are needed to deter abusive behavior altogether.

"It is for all these reasons that we ask for your favorable consideration of S.B. No. 78, S.D. 2. It allows the Attorney General to seek civil penalties on behalf of the State, in dependent elder abuse or neglect cases, and provides for enhanced civil remedies, in private lawsuits arising from the abuse of neglect. It is through the deterrence and prevention of elder abuse that we may be assured that the health and safety of our elders are being protected. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 987 was adopted and S.B. No. 78, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELDER ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 989 (S.B. No. 469):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 989 was adopted and S.B. No. 469, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Sakamoto, Taniguchi).

Stand. Com. Rep. No. 990 (S.B. No. 694, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 990 was adopted and S.B. No. 694, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Sakamoto, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 991 (S.B. No. 764, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 991 be adopted and S.B. No. 764, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Sakamoto rose to speak on the measure as follows:

"Mr. President, this one as well as the previous one I think the two years is way too long and if safety is in jeopardy they ought to be quicker as opposed to expanded opportunities to report such problems."

Senator Ihara rose and said:

"Mr. President, I support this bill with reservations."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 991 was adopted and S.B. No. 764, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WHISTLEBLOWERS' PROTECTION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Sakamoto, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 993 (S.B. No. 931, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 993 was adopted and S.B. No. 931, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII VICTIMS LEAVE ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Baker, Taniguchi).

Stand. Com. Rep. No. 994 (S.B. No. 1638):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 994 was adopted

and S.B. No. 1638, entitled: "A BILL FOR AN ACT RELATING TO COSTS OF PROCEEDINGS IN WORKERS' COMPENSATION APPEALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 2 (Baker, Taniguchi).

Stand. Com. Rep. No. 995 (S.B. No. 548):

Senator Hanabusa moved that Stand. Com. Rep. No. 995 be adopted and S.B. No. 548, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

"Mr. President, I rise to speak in opposition to this measure.

"This bill has constitutional questions. It is extremely broad and vague and it does not effectively address the intent behind it.

"First, the bill would infringe on the right to keep and bear arms by creating a class C felony for the offense of possessing a rifle or a shotgun. For example, on the Big Island, where there are no shooting ranges, this bill would effectively prohibit anyone from using a gun for any purpose whatsoever.

"Second, the language of the bill is way overbroad and overreaching. This bill may be intended to apply to agricultural thieves and poachers, but in reality it would impact anyone carrying a gun under a broad range of circumstances.

"The use of the term lawful in the bill is far from clear. It says it exempts the lawful use of guns for hunting and target shooting, but it doesn't further clarify what those lawful uses are.

"There were many other concerns brought forward in testimony. If we want to effectively prevent trespassing, poaching, and agricultural theft, we need to work on a language that will actually address those issues. This isn't it. I'll be voting 'no.'

"Thank you."

Senators English, Kokubun, Tsutsui and Hooser requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Aduja rose with reservations and said:

"Mr. President, again, with reservations as indicated in the committee report that some hunters have concerns about this law creating a possibility of double jeopardy by subjecting someone who has committed a misdemeanor to become a felony firearms possession. Therefore, I am voting with reservations.

"Thank you."

Senator Menor requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 995 was adopted and S.B. No. 548, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 997 (S.B. No. 784, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 997 be adopted and S.B. No. 784, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I rise to speak in opposition to this measure.

“Apparently, we’re going to have a board of education that’s almost as big as the Senate. I can’t see them getting together. We have a tough enough time coming up with a stand on education. I can’t see how this 17 member board of education would be able to take a stand on just about anything.

“Supposedly, it moves towards local control, but that’s like the difference between the Senate and the neighborhood board as far as local representation and local control. So for those reasons and probably a few others that we don’t have time to talk about right now, I’ll vote ‘no.’

“Thank you.”

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

“Mr. President, I rise in support of the measure.

“As related before from the Senator from Kaimuki and others, we have several different options out there. One reason why this is stated this way is that the one person/one vote can be directly related to how a reapportionment goes with our House of Representative districts. For some jurisdictions, these numbers work out right, in the sense that Kauai may have three representatives, one board member.

“It isn’t the Linda Lingle seven for seven, but if you talk about 17 being too many, 17 divided by seven is two-and-a-half. Do we want to have two-and-a-half times seven and that might be sufficient? So, I think we need to look at what makes sense and this tries to address some of the issues that we’ve heard that people want local control.

“So, again, I think we need to hear input and hopefully the House does hear this measure as well as our other measure and we can get input as the measures go forward.”

Senator Hogue rose again and said:

“Mr. President, I want to note that Linda Lingle knows that 17 divided by seven is two-and-three-sevenths and not two-and-a-half. Thank you.”

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

“Mr. President, I rise to speak in support of the measure.

“One of the problems that our current system has is that when you get your ballot for the board of education, you’re given the task of not only voting for the candidate from your district – for me that would be the Leeward district – but we’re also charged with voting for representatives from all over. So, by making a change to this system, we’re dealing with the one person/one vote issue by saying that there would be one board

of education member for each three representative districts. The idea is that there would be a direct connection between you and your elected member on the board so you would no longer have to be voting for somebody from Windward, somebody from Honolulu, somebody from Central when you live in Leeward.

“So that’s what the problem deals with. I’m sure all of us have gotten questions like that before. Why do I vote for the Windward member if I live in Leeward? It doesn’t make any sense, and by making a move like this it would give us an option to look at to make that connection solid between a voter and the person that’s representing them.

“Thank you.”

Senator Baker rose with reservations and said:

“Please note my reservations because although it seems to make good sense that we’re moving the issue down to the local level and there is a nexus, as the Senator from Ewa points out, it nevertheless will split up areas like Maui County, for instance, and it will be splitting up school complexes and you won’t have that kind of community accountability that I think people are striving for.

“So, I just want to note my reservations. Thank you.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 997 was adopted and S.B. No. 784, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1001 (S.B. No. 1635):

Senator Hanabusa moved that Stand. Com. Rep. No. 1001 be adopted and S.B. No. 1635, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

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

“Mr. President, I apologize for speaking on the last bill when everybody wants to go home, but I rise to speak in opposition to this particular measure, which I believe is well intended.

“As I noted in Committee, we’ve really got to watch out before we move forward on this one because it will prohibit any state agency from using money from any business or any group to fund any position of the state in whole or in part or supplement the salary of a state position. Now, maybe the intent of this particular measure is to stop the borrowing of Randy Roth to the Governor’s Office. I don’t know if that’s the intent or not. Maybe it isn’t quite as Machiavellian as that.

“It was noted in Committee that perhaps there was an exemption for the University of Hawaii. After further reviewing the bill, it appears that it only talks about exempting those employees who get private money from grants and such. It doesn’t specifically talk about a Randy Roth situation where that person goes over to the Governor’s Office, and would that fit under this bill. And then, probably of concern to a lot of sports fans out there, what about June Jones? His contract is partially paid for by private monies and I believe the bill, as written right now, would prevent a June Jones type of contract.

I think that we can all agree that June Jones has done a terrific job for the University of Hawaii.

“So, with those concerns, I urge you to vote ‘no,’ and ‘Go Bows.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1001 was adopted and S.B. No. 1635, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hogue, Slom, Trimble, Whalen). Excused, 1 (Taniguchi).

At 8:07 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:20 o’clock p.m.

THIRD READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 665 (S.B. No. 1517, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 665 be adopted and S.B. No. 1517, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in support of the measure.

“Before I do that, Mr. President, I’d like to just put on the record a correction on the voting on this particular bill. After going back and checking the records carefully, there was a mistake in the votes and it was actually Senator Hemmings who voted ‘no’ and Senator Kanno was not present. We marked Senator Kanno as voting ‘no’ and Senator Hemmings as not being present. So we will insert into the record a letter from all of us correcting this mistake. It does not affect the outcome of the bill.

“Speaking to the merits of it, Mr. President, ‘good bill.’ Thank you.”

Senator Baker rose and said:

“Mr. President, I agree with my colleague from Maui that this is a good bill and I have some remarks in support of it that I’d like inserted into the Journal.”

The Chair having so ordered, Senator Baker’s remarks read as follows:

“Mr. President, I rise to speak in support of S.B. No. 1517, S.D. 2, which will increase the conveyance tax to provide a stable funding mechanism for the natural area reserves system and to address the problems of invasive species.

“The Natural Area Reserve System is an important part of the State’s efforts to protect its natural resources and preserve its natural legacy for citizens and visitors alike. While current law provides funding for the natural area partnership program and forest stewardship program by means of conveyance tax, those revenues only promote conservation on private land.

“Meanwhile, the State is faced with an ever-increasing threat of invasive species destroying or degrading the very environments we seek to protect, whether on private or State land. *Salvinia* in Lake Wilson and *Miconia* in our forests are but two examples of the destructive potential of these non-native species. Without adequate resources to eradicate or even stem these invasions, all natural areas, public and private, are at risk.

“It is vital that we take steps to fund conservation efforts on State land, and enhance our efforts against invasive species that threaten our State. This measure allows the Natural Area Reserve fund to be used for those purposes. Past legislatures have already established that the conveyance tax is an appropriate source of funding for conservation, as the development, sale and improvement of real estate is linked to pressures on natural areas such as forests and watersheds. The increased threat posed by invasive species with footholds in the State necessitates our consideration of additional funding from an increase in the conveyance tax. The increase in the conveyance tax will be assessed only on higher-valued properties, transactions of \$600,000 or greater. Thus, there will be minimal impact on local residents.

“S.B. No. 1517, S.D. 2, will enable us to take steps to address real threats to our natural environment, preserving the very thing that makes Hawaii a desirable place to live. I urge my colleagues to join me to support this important measure.

“Mahalo.”

Senator Slom rose to speak against the measure and said:

“Mr. President, so there’s no mistake, I’m here and I’m voting ‘no.’

“It’s a tax increase. It increases the conveyance tax by 20 cents per \$100. Again, we increased the conveyance tax just a couple of years ago. That was for computers. This is for environment. The point is that we continue to increase our taxes every which way but the right way.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 1517, S.D. 2, 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, 19. Noes, 6 (Hemmings, Hogue, Ige, Slom, Trimble, Whalen).

At 8:22 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:23 o’clock p.m.

S.B. No. 585, S.D. 1:

Senator Taniguchi moved that S.B. No. 585, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senators Slom and Hogue requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 585, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 851 (S.B. No. 1354, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 851 was adopted and S.B. No. 1354, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH AND HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 481, S.D. 1:

Senator Menor moved that S.B. No. 481, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

"Mr. President, I rise in opposition to this bill for the simple fact that I think, you know, going traveling quite a bit, I rent cars quite a bit, and after years of them bugging me to take this, I find it very nice to go there without them pushing me to take this insurance. I don't like incentivising them by saying that they'll get goodies from their corporate headquarters if they sell more collision waivers.

"So, I think that our tourists and our locals alike will appreciate not being bugged by the rental car agencies to take these insurance. So, I'm voting 'no.' Thank you."

Senators Taniguchi, Kokubun, Kanno, Baker, Tsutsui, Aduja, Ige, Inouye, Sakamoto and Fukunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 481, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (English, Hanabusa, Hooser, Ihara, Kim, Trimble).

S.B. No. 482, S.D. 1:

Senator Menor moved that S.B. No. 482, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

"Mr. President, this is the one I'm supposed to speak in opposition for. Just vote 'no.' Thank you."

Senators Taniguchi, Kokubun, Kim, Kanno, Hanabusa, Baker, Tsutsui, Aduja, Ige, Espero, Sakamoto and Ihara requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 482, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (English, Fukunaga, Hemmings, Hogue, Hooser, Slom, Trimble).

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The President made the following committee assignments of concurrent resolutions that were offered on Thursday, February 27, 2003:

Senate Concurrent Resolution	Referred to:
No. 27	Committee on Transportation, Military Affairs, and Government Operations
No. 28	Jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means
No. 29	Committee on Transportation, Military Affairs, and Government Operations
No. 30	Committee on Education
No. 31	Committee on Commerce, Consumer Protection and Housing
No. 32	Committee on Education
No. 33	Committee on Commerce, Consumer Protection and Housing
No. 34	Committee on Health, then to the Committee on Ways and Means

REFERRAL OF SENATE RESOLUTIONS

The President made the following committee assignments of resolutions that were offered on Thursday, February 27, 2003:

Senate Resolution	Referred to:
No. 16	Committee on Transportation, Military Affairs, and Government Operations
No. 17	Committee on Transportation, Military Affairs, and Government Operations
No. 18	Committee on Education
No. 19	Committee on Commerce, Consumer Protection and Housing
No. 20	Committee on Education
No. 21	Committee on Commerce, Consumer Protection and Housing

STANDING COMMITTEE REPORT

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1002) recommending that the Senate advise and consent to the nomination of NELSON BEFITEL as Director of the Department of Labor and Industrial Relations, in accordance with Gov. Msg. No. 6.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1002 and Gov. Msg. No. 6 was deferred until Thursday, March 6, 2003.

ADJOURNMENT

At 8:29 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 6, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate