

## TWENTY-SIXTH DAY

**Tuesday, March 7, 2006**

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 10:08 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. George White, 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.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 37 to 87) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 37, transmitting H.B. No. 173, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 173, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 1468, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1468, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 1794, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1794, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX BRACKETS," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 1819, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1819, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 1852, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1852, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONDEMNATION OF LAND IN NANAKULI, OAHU, FOR A PUBLIC HOUSING PROJECT," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 1863, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1863, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 1869, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1869, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING BY DRUG MANUFACTURERS AND DISCLOSURE OF CLINICAL TRIALS," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 1923, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1923, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 1947, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1947, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 2058, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2058, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," passed First Reading by title and was deferred.

Hse. Com. No. 47, transmitting H.B. No. 2145, H.D. 2, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2145, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," passed First Reading by title and was deferred.

Hse. Com. No. 48, transmitting H.B. No. 2213, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2213, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," passed First Reading by title and was deferred.

Hse. Com. No. 49, transmitting H.B. No. 2239, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2239, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed First Reading by title and was deferred.

Hse. Com. No. 50, transmitting H.B. No. 2258, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2258, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed First Reading by title and was deferred.

Hse. Com. No. 51, transmitting H.B. No. 2309, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed First Reading by title and was deferred.

Hse. Com. No. 52, transmitting H.B. No. 2317, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 53, transmitting H.B. No. 2346, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2346, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," passed First Reading by title and was deferred.

Hse. Com. No. 54, transmitting H.B. No. 2347, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2347, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," passed First Reading by title and was deferred.

Hse. Com. No. 55, transmitting H.B. No. 2400, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 56, transmitting H.B. No. 2434, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2434, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 57, transmitting H.B. No. 2479, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2479, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION OF A PARKING STRUCTURE AT KAKAAKO MAKAI, OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 58, transmitting H.B. No. 2503, H.D. 2, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2503, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed First Reading by title and was deferred.

Hse. Com. No. 59, transmitting H.B. No. 2535, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2535, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed First Reading by title and was deferred.

Hse. Com. No. 60, transmitting H.B. No. 2619, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2619, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed First Reading by title and was deferred.

Hse. Com. No. 61, transmitting H.B. No. 2641, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2641, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed First Reading by title and was deferred.

Hse. Com. No. 62, transmitting H.B. No. 2691, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2691, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed First Reading by title and was deferred.

Hse. Com. No. 63, transmitting H.B. No. 2737, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2737, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," passed First Reading by title and was deferred.

Hse. Com. No. 64, transmitting H.B. No. 2763, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2763, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," passed First Reading by title and was deferred.

Hse. Com. No. 65, transmitting H.B. No. 2805, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed First Reading by title and was deferred.

Hse. Com. No. 66, transmitting H.B. No. 2842, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2842, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST IN CONSTRUCTING AND MAKING IMPROVEMENTS TO THE AGRICULTURAL IRRIGATION SYSTEMS ON THE NORTH SHORE OF THE ISLAND OF OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 67, transmitting H.B. No. 2898, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed First Reading by title and was deferred.

Hse. Com. No. 68, transmitting H.B. No. 2901, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed First Reading by title and was deferred.

Hse. Com. No. 69, transmitting H.B. No. 2934, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS VETERANS," passed First Reading by title and was deferred.

Hse. Com. No. 70, transmitting H.B. No. 2950, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2950, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed First Reading by title and was deferred.

Hse. Com. No. 71, transmitting H.B. No. 2952, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2952, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed First Reading by title and was deferred.

Hse. Com. No. 72, transmitting H.B. No. 2953, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2953, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed First Reading by title and was deferred.

Hse. Com. No. 73, transmitting H.B. No. 2974, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2974, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed First Reading by title and was deferred.

Hse. Com. No. 74, transmitting H.B. No. 2986, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2986, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed First Reading by title and was deferred.

Hse. Com. No. 75, transmitting H.B. No. 3029, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3029, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 76, transmitting H.B. No. 3063, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3063, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed First Reading by title and was deferred.

Hse. Com. No. 77, transmitting H.B. No. 3105, H.D. 2, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3105, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed First Reading by title and was deferred.

Hse. Com. No. 78, transmitting H.B. No. 3123, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3123, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR

HURRICANE PREPAREDNESS," passed First Reading by title and was deferred.

Hse. Com. No. 79, transmitting H.B. No. 3160, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3160, 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. 80, transmitting H.B. No. 3166, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3166, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII," passed First Reading by title and was deferred.

Hse. Com. No. 81, transmitting H.B. No. 3167, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3167, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII WEST OAHU," passed First Reading by title and was deferred.

Hse. Com. No. 82, transmitting H.B. No. 3173, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3173, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO," passed First Reading by title and was deferred.

Hse. Com. No. 83, transmitting H.B. No. 3235, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3235, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed First Reading by title and was deferred.

Hse. Com. No. 84, transmitting H.B. No. 3238, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3238, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed First Reading by title and was deferred.

Hse. Com. No. 85, transmitting H.B. No. 3244, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3244, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed First Reading by title and was deferred.

Hse. Com. No. 86, transmitting H.B. No. 3253, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3253, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed First Reading by title and was deferred.

Hse. Com. No. 87, transmitting H.B. No. 3259, H.D. 1, which passed Third Reading in the House of Representatives on March 3, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 3259, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed First Reading by title and was deferred.

#### SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 40) was read by the Clerk and was deferred:

##### Senate Concurrent Resolution

No. 40 "SENATE CONCURRENT RESOLUTION REQUESTING THE ADJUTANT GENERAL OF THE HAWAII NATIONAL GUARD TO PROVIDE MEMBERS AND VETERANS OF THE ARMED FORCES HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE AND TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII."

Offered by: Senators Hooser, Nishihara, Chun Oakland, English, Sakamoto, Tsutsui, Kanno, Espero, Menor, Hogue, Kokubun, Ige, Fukunaga, Kim, Baker, Slom, Ihara, Inouye.

#### SENATE RESOLUTION

The following resolution (S.R. No. 21) was read by the Clerk and was deferred:

##### Senate Resolution

No. 21 "SENATE RESOLUTION REQUESTING THE ADJUTANT GENERAL OF THE HAWAII NATIONAL GUARD TO PROVIDE MEMBERS AND VETERANS OF THE ARMED FORCES HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE AND TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII."

Offered by: Senators Hooser, Nishihara, Chun Oakland, English, Sakamoto, Tsutsui, Kanno, Espero, Menor, Hogue, Kokubun, Ige, Fukunaga, Kim, Baker, Slom, Ihara, Inouye.

At 10:11 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:36 o'clock a.m.

#### ORDER OF THE DAY

##### THIRD READING

Stand. Com. Rep. No. 2582 (S.B. No. 2006, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2582 be adopted and S.B. No. 2006, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator English then offered the following amendment (Floor Amendment No. 2) to S.B. No. 2006, S.D. 2:

SECTION 1. Senate Bill No. 2006, S.D. 2, section 1, is amended to read as follows:

“SECTION 1. In recent years, the number of edible `opihi found in Hawai`i has declined. The popularity of `opihi as a delicacy has led to overharvesting on the island of O`ahu and has made `opihi difficult to find on the neighbor islands.

The blackfoot `opihi (*cellana exarata*), also known as “makaiauli,” once the most common limpet in Hawaiian waters, is found in the upper wash of waves. The yellowfoot `opihi (*cellana sandwicensis*), also known as “alinalina,” is the preferred species for eating. It is found in the wash of waves, roughly between the habitats of the blackfoot `opihi and ko`ele, the third type of edible `opihi in Hawai`i. Ko`ele is also known as the “kneecap” `opihi (*cellana talcosa*). There is also a fourth type of `opihi (*cellana meanostoma*) observed in Kaua`i that probably also could be found in Ni`ihau.

Although `opihi can be collected year round, `opihi shells must be at least one and a quarter inches wide, or the meat a half inch wide, to legally harvest them in Hawai`i.

`Opihi is an integral part of certain traditional trade systems where it is used as currency and an important source of revenue, such as on the island of Ni`ihau.

The purpose of this Act is to prohibit the sale of all Hawaiian species of edible `opihi except by a resident of any populated island that is privately owned and has a population of five hundred or less.”

SECTION 2. Senate Bill No. 2006, S.D. 2, section 2, is amended to read as follows:

“SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is amended to read as follows:

“~~[[~~§188-42.5~~]]~~ **Hihiwai, hapawai, `opihi, and opae kala`ole selling prohibited.** It shall be unlawful for any person at any time to sell or offer for sale any hihiwai, hapawai, `opihi, and opae kala`ole taken from any of the waters within the jurisdiction of the State~~[-];~~ provided that it shall not be unlawful for a resident of any populated island that is privately owned and has a population of five hundred or less to sell or offer for sale any amount of `opihi. It shall be presumed that the taking of more than one quart of `opihi, as measured with its shell on, from any of the other waters within the jurisdiction of the State, is for commercial sale purposes.

As used in this section, “`opihi” means all known Hawaiian `opihi species, including *cellana exarata* (blackfoot), *cellana sandwicensis* (yellowfoot), *cellana talcosa* (ko`ele), and *cellana melanostoma*.”

Senator English moved that Floor Amendment No. 2 be adopted, seconded by Senator Kokubun.

Senator English noted:

“Mr. President, members, this bill allows for the Island of Ni`ihau to continue the traditional practice of picking, trading and selling opihi. In the past, the island used to take opihi from there because they cannot raise taro, take it to Northern Kauai, trade the opihi for taro and bring the taro back to the island for food. This practice continues today and the people there were very concerned that they would not have a way to trade for food. So, this allows the people of Ni`ihau to continue their traditional practice.”

The motion to adopt Floor Amendment No. 2 was put by the Chair and carried.

Senator English then moved that Stand. Com. Rep. No. 2582 be received and placed on file, seconded by Senator Kokubun and carried.

By unanimous consent, S.B. No. 2006, S.D. 3, entitled: “A BILL FOR AN ACT PROHIBITING SALES OF OPIHI,” was placed on the calendar for Third Reading on Thursday, March 9, 2006.

Stand. Com. Rep. No. 2696 (S.B. No. 3161, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2696 be adopted and S.B. No. 3161, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator English then offered the following amendment (Floor Amendment No. 3) to S.B. No. 3161, S.D. 2:

**SECTION 1. Senate Bill No. 3161 S.D.2, section 3, is amended as follows:**

~~“[SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000, or so much thereof as may be necessary for fiscal year 2006-2007, for Rocky Mountain Institute to conduct a statewide multi-fuel biofuels production assessment of potential feedstocks, technologies, and economics of the various renewable fuels pathways and the potential for ethanol, biodiesel, and renewable hydrogen production to contribute to Hawaii’s near-, mid-, and long-term energy needs. The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this part.]”~~

**SECTION 2. Senate Bill No. 3161 S.D.2, section 4, is amended as follows:**

~~“[SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$150,000, or so much thereof as may be necessary, for fiscal year 2006-2007 to provide assistance to the agricultural community interested in developing energy projects, especially for the production of biodiesel from energy crops and cellulose ethanol from agricultural waste streams, and to seek funding that may be available from the United States Departments of Agriculture and Energy, and other external sources. The sum appropriated shall be expended by the department of agriculture for the purposes of this part.]”~~

**SECTION 3. Senate Bill No. 3161 S.D.2, section 7, is amended as follows:**

~~“[SECTION 7. (a) There is appropriated out of the general revenues of the State of Hawaii the sum of \$750,000, or so much thereof as may be necessary, for fiscal year 2006-2007 to carry out the purposes of this part, of which \$250,000 shall be allocated to three permanent full-time equivalent (3.0 FTE) professional positions namely, a hydrogen program manager, hydrogen program specialist, and hydrogen project specialist. The sum appropriated shall be expended by the department of business, economic development, and tourism.~~

~~(b) There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 for fiscal year 2006-2007 to be paid into the hydrogen investment capital special fund to carry out the purposes of section 6. The sum appropriated shall be expended by department of business, economic development, and tourism.]”~~

**SECTION 4. Senate Bill No. 3161 S.D.2, section 8, is amended as follows:**

~~“SECTION 8. There is appropriated out of the hydrogen investment capital special fund the sum of \$10,000,000, or so much thereof as may be necessary, for fiscal year 2006-2007 to be used for the purposes of the hydrogen investment capital special fund.~~

~~The sum appropriated shall be expended by the department of business, economic development, and tourism for the purposes of this Act.”~~

**SECTION 5. Senate Bill No. 3161 S.D.2, section 10, is amended as follows:**

~~“SECTION 6. This Act shall take effect upon its approval.”~~

Senator English moved that Floor Amendment No. 3 be adopted, seconded by Senator Kokubun.

Senator English noted:

“Mr. President, this is the biofuels preference bill and when we harmonized bills across, we took all of the language from different bills and put them in other vehicles. We inadvertently left the money in this bill and it did not go to the money committees for review. So, what we’re doing is removing all of the monies and keeping the policy in the bill.”

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

Senator English then moved that Stand. Com. Rep. No. 2696 be received and placed on file, seconded by Senator Kokubun and carried.

By unanimous consent, S.B. No. 3161, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” was placed on the calendar for Third Reading on Thursday, March 9, 2006.

Stand. Com. Rep. No. 2741 (S.B. No. 218, S.D. 3):

Senator Taniguchi moved that Stand. Com. Rep. No. 2741 be adopted and S.B. No. 218, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Baker then offered the following amendment (Floor Amendment No. 4) to S.B. No. 218, S.D. 3:

SECTION 1. Senate Bill No. 218 S.D. 3, section 1 is amended as follows:

“SECTION 1. The legislature finds that there is currently a shortage of at least fifty mobile intensive care technicians or paramedics in Hawaii. The Emergency Medical Services Strategic Planning for the Future conference in 2003, estimated that two hundred fifty mobile intensive care technicians will be needed within the next five years to fully staff the system. This estimate includes current shortages, attrition, and anticipated system growth (e.g., the federal firefighting agency had six mobile intensive care technicians and anticipated needing twenty-nine before the end of 2007).

The lack of local training has made the shortage even more critical, especially on the neighbor islands. Emergency medical technicians leave the industry because they are unable to advance without financial assistance. Others take correspondence classes in nursing or other related health care fields. For example, Maui currently [there are] has at least ten [students] emergency medical technicians who wish to enter the next mobile intensive care technician training program being offered [on Maui, which will possibly be scheduled in early 2007]. In order to complete this program and be certified, these students must attend and successfully complete both the didactic and practical training clinics. The didactic training is proposed to be held in Maui in 2007. However, the mandatory

practical training is only offered on Oahu. Traveling to Oahu is an enormous expense for these students who must take time off from work and from their families to attend the training. Without financial assistance of some type, it is unlikely that many of them will be able to attend.

The prime recruiting grounds for the federal firefighting agency is the city and county of Honolulu mobile intensive care technician workforce, which is already critically short-staffed. All providers look increasingly to paramedics who have trained on the mainland to staff Hawaii’s ambulances. These mainland recruits are rarely employed beyond two years in the Hawaii system before returning to the mainland.

It is widely recognized that the moneys distributed for mobile intensive care technician workforce development are not equitable. Unless the State can provide financial stipends to non-civil service employees who train in an accredited program, the crisis will quickly get worse.

The purpose of this Act is to appropriate funds to the department of health to establish a training stipend program for emergency medical technicians who do not have access to a training stipend program and who want to advance in their chosen profession by enrolling in a state-qualified mobile intensive care technician training program.”

SECTION 2. Senate Bill. No. 218 S.D. 3, section 2, is amended as follows:

“SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ , or so much thereof as may be necessary for fiscal year 2006-2007, to establish the emergency medical technician training stipend program to remedy the shortage of mobile intensive care technicians/paramedics in Hawaii and to assist, through a state-qualified mobile intensive care technician program, ten students per year who are public or private paramedics and currently do not have access to a training stipend program[; provided that no funds shall be expended for trainee stipends unless the county matches the funds expended on a trainee who is a resident of that respective county on a dollar-for-dollar basis].”

Senator Baker moved that Floor Amendment No. 4 be adopted, seconded by Senator Chun Oakland.

Senator Baker noted:

“Mr. President, this amendment deletes the requirement that the training stipend program be borne, in part, by the counties. This is a statewide program, as the emergency medical services program is a statewide program, and with the concurrence of the Committee on Ways and Means, we removed that provision.”

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

Senator Baker then moved that Stand. Com. Rep. No. 2741 be received and placed on file, seconded by Senator Chun Oakland and carried.

By unanimous consent, S.B. No. 218, S.D. 4, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was placed on the calendar for Third Reading on Thursday, March 9, 2006.

Stand. Com. Rep. No. 2866 (S.B. No. 640, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2866 be adopted and S.B. No. 640, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 5) to S.B. No. 640, S.D. 2:

**SECTION 1. Senate Bill No. 640, S.D. 2 is amended by amending Section 1 of the bill to read as follows:**

~~“SECTION 1. [The legislature finds that the enactment of the Reinventing Education Act in the 2004 regular session and other education reform measures represent a positive first step towards improving test scores, teacher retention, and the overall quality of education. While there are many issues to be addressed, the legislature believes that providing the department of education with greater autonomy will lead to an improved system of accountability and quality of service. Establishing the department of education as a political subdivision will free the department from impediments that sometimes lead to delays in much needed improvements to the public educational system. The constitutional amendments contained in S.B. No. will grant the department of education the autonomy it requires to effectively oversee the educational needs of the State’s students and teachers. With that measure, the board of education will be empowered to head the department of education as a political subdivision in a manner similar to other political subdivisions of the State. It is the intent of the legislature to provide the members of the board of education with proper compensation for their efforts in running the department of education. Accordingly, the] The purpose of this Act is to provide salaries for board of education members and require them to serve on a full-time basis.”~~

**SECTION 2. Senate Bill No. 640, S.D. 2, is amended by amending Section 6 of the bill to read as follows:**

~~“SECTION 6. This Act, upon its approval, shall take effect on July 1, 2095[, and upon the ratification of a constitutional amendment that makes the department of education a political subdivision headed by the board of education.].”~~

Senator Taniguchi moved that Floor Amendment No. 5 be adopted, seconded by Senator Tsutsui.

Senator Taniguchi noted:

“Mr. President, the floor amendment deletes language referencing a Senate bill that would have proposed a constitutional amendment to provide the Department of Education with greater autonomy. No bill passed out proposing the constitutional amendment, therefore the language is not necessary.”

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

Senator Taniguchi then moved that Stand. Com. Rep. No. 2866 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, S.B. No. 640, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION,” was placed on the calendar for Third Reading on Thursday, March 9, 2006.

Stand. Com. Rep. No. 2833 (S.B. No. 3037, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2833 be adopted and S.B. No. 3037, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 6) to S.B. No. 3037, S.D. 1:

**SECTION 1. Senate Bill No. 3037, S.D. 1, is amended by amending Section 1 (b) of the bill to read as follows:**

“(b) The amount of the nonrefundable tax credit shall be equal to ten per cent of the losses incurred by the taxpayer for repairs, insurance, rental, or other expenses or costs related to damage caused to the taxpayer’s real or personal property by the heavy rain and flood in late October of 2004 in Manoa, Oahu[;] that are not reimbursable by insurance proceeds or disaster relief payments from government agencies or non-profit organizations; provided that the nonrefundable tax credit shall be ten per cent of the total loss [or] not to exceed \$10,000 per taxpayer [~~whichever is greater~~]; and provided further that no refund or payment on account of the tax credit allowed by this section shall be made for amounts less than \$1.”

Senator Taniguchi moved that Floor Amendment No. 6 be adopted, seconded by Senator Tsutsui.

Senator Taniguchi noted:

“Mr. President, the floor amendment clarifies that the tax credit (1) is limited to losses that are reimbursable by insurance proceeds or disaster relief payments from government agencies or nonprofit organizations. This will cure the potential double-dipping. Secondly, it shall be 10 percent of the total loss not to exceed \$10,000 per taxpayer.

“I believe in decision-making we had wanted to make a cap of \$10,000. The language wasn’t clear and this clarifies that.”

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

Senator Taniguchi then moved that Stand. Com. Rep. No. 2833 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, S.B. No. 3037, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS,” was placed on the calendar for Third Reading on Thursday, March 9, 2006.

Stand. Com. Rep. No. 2713 (S.B. No. 2959, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2713 be adopted and S.B. No. 2959, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Chun Oakland then offered the following amendment (Floor Amendment No. 7) to S.B. No. 2959, S.D. 2:

**SECTION 1. Senate Bill No. 2959, S.D.2, is amended as follows:**

**By deleting the title, “PART I” on page 1, line 1.**

**SECTION 2. Senate Bill No. 2959, S.D.2, is amended by deleting Sections 5 through 16.**

**SECTION 3. Senate Bill No. 2959, S.D.2, section 17, is amended to read as follows:**

“SECTION [47] 5. In codifying the new [parts] part added to chapter 305, Hawaii Revised Statutes, by [sections] section 2 [~~and 6~~] of this Act, the revisor of statutes shall substitute appropriate section numbers for letters used in designating the new sections in this Act.”

**SECTION 4. Senate Bill No. 2959, S.D.2, is amended as follows:**

1. By renumbering "SECTION 18" to read "SECTION 6."

2. By renumbering "SECTION 19" to read "SECTION 7."

Senator Chun Oakland moved that Floor Amendment No. 7 be adopted, seconded by Senator Hee.

Senator Chun Oakland noted:

"Mr. President, the floor amendment reflects accurately the decision that was made between the Higher Education, Labor, and IGA Committees. What it retains is the rapid response development and training program sections of the bill. Thank you."

The motion to adopt Floor Amendment No. 7 was put by the Chair and carried.

Senator Chun Oakland then moved that Stand. Com. Rep. No. 2713 be received and placed on file, seconded by Senator Hee and carried.

By unanimous consent, S.B. No. 2959, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was placed on the calendar for Third Reading on Thursday, March 9, 2006.

### THIRD READING

#### MATTERS DEFERRED FROM THURSDAY, MARCH 2, 2006

At 10:48 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:48 o'clock a.m.

S.B. No. 3000, S.D. 2:

On motion by Senator Menor, seconded by Senator Ige and carried, S.B. No. 3000, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2246, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2582:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

S.B. No. 2244, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2259, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2600, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3170, S.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2265, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2265, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2489:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2561 (S.B. No. 2506):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2561 was adopted and S.B. No. 2506, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:



Ayes, 25. Noes, none.

S.B. No. 2558, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2566 (S.B. No. 3279, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2566 was adopted and S.B. No. 3279, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2581, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2941, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2570 (S.B. No. 2073, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2570 was adopted and S.B. No. 2073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2571 (S.B. No. 2263, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2571 was adopted and S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2572 (S.B. No. 2667, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2572 was adopted and S.B. No. 2667, S.D. 2, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2574 (S.B. No. 2358, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2574 was adopted and S.B. No. 2358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2576 (S.B. No. 2850, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee carried, Stand. Com. Rep. No. 2576 was adopted and S.B. No. 2850, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2577 (S.B. No. 2158, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2577 be adopted and S.B. No. 2158, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Fukunaga requested her remarks be inserted into the Journal, and the Chair having so ordered, Senator Fukunaga's remarks read as follows:

"Mr. President, I rise to speak in favor of S.B. No. 2158, S.D. 2, Relating to Identity Theft, and ask that these remarks also be inserted in the Journal for S.B. No. 2159, S.D. 2; S.B. No. 2289, S.D. 2; S.B. No. 2290, S.D. 2; S.B. No. 2292, S.D. 2; and S.B. No. 2293, S.D. 2:

"These measures are part of a package of identity theft bills that have evolved from the work of the Hawaii Anti-Phishing Task Force, established by Act 65, Session Laws of Hawaii 2005, to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the State. The Task Force examined state agencies charged with the responsibility of developing policies, procedures and operations to prevent, monitor, and enforce electronic commerce-based criminal activities and sanctions; reviewed other jurisdictions' activities, policies, and laws related to the prevention of electronic commerce-based crimes; and reviewed a range of options available to deter electronic commerce-based crimes from occurring in the State.

"Through this process the Task Force broadened the scope of its research – and recommendations – to address the rapidly escalating problem of identity theft. Today, National Public Radio began a series on privacy with an interview with a man who discovered his roommate had stolen his social security number, credit card information, and names of family members. It is a story too often heard, and it rarely has a happy ending.

"The purpose of the bills heard in the Senate over the past few weeks – and the House has addressed similar issues – is to provide greater protection from identity theft for the residents of Hawaii through a variety of ways:

S.B. No. 2158, S.D. 2 requires that the first five digits of an individual's social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public inspection. Although this measure is still a work in progress, I believe that the commitment between the executive branch, private sector, legislature and other interested parties to find an appropriate balance between protecting personal information and minimizing the impact upon individual departments will ultimately produce a solid bill.

S.B. No. 2159, S.D. 2 increases penalties for identity theft and makes it a crime to intentionally or knowingly possess the confidential personal information of another.

S.B. No. 2289, S.D. 2 allows consumers who are victims of identity theft to place a security freeze on their credit reports, which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer's express authorization and will provide consumers more control over who has access to their credit report.

S.B. No. 2290, S.D. 2 requires businesses and government agencies that experience a security breach to notify affected citizens of the breach.

S.B. No. 2292, S.D. 2 requires businesses and government agencies that maintain or possess personal information of Hawaii residents protect against unauthorized access to or use of the information after its disposal by destroying the personal information.

S.B. No. 2293, S.D. 2 requires businesses and government agencies – subject to limited exceptions – from disclosing an individual's social security number (SSN) to the general public; printing the SSN on an identification card or in mailings to customers; and requiring the transmission of a SSN to third parties without the individual's written consent unless the third party needs the information for a legitimate purpose.

“S.B. No. 2290, S.B. No. 2292, and S.B. No. 2293 originally imposed requirements only on businesses, but early in the hearing process, the Legislature and most testifiers recognized that the obligations imposed by these measures should also be extended to government agencies in Hawaii, and amended the bills accordingly. Government accountability will require further guidance to implement, however, and the Task Force would need to focus on additional issues raised by S.B. No. 2158 and S.B. No. 2293 during the coming year, with further recommendations to the 2007 Legislature.

“Although S.B. No. 2157, S.D. 1, is not a part of the package of bills being voted on today, it remains an important part of the identity theft package. It provided funding for a review of the best means of safeguarding personal information collected by government agencies, and further anti-ID theft initiatives to be undertaken by the Attorney General's High Tech Crime Unit. The House companion measure, H.B. No. 3244, H.D. 1, has already arrived in the Senate, and will become our vehicle for funding to implement the Identity Theft Task Force's recommendations.

“Collectively, these measures, provide both a strong foundation in the State's fight against identity theft, and valuable resources that Hawaii residents can use to protect themselves from financial harm if their financial or personal information is compromised.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2577 was adopted and S.B. No. 2158, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO IDENTITY THEFT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2578 (S.B. No. 2343, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2578 was adopted and S.B. No. 2343, S.D. 2, 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, 25. Noes, none.

S.B. No. 2930, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2930, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2583 (S.B. No. 2134, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2583 was adopted and S.B. No. 2134, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2584 (S.B. No. 2357):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2584 was adopted and S.B. No. 2357, entitled: “A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2587 (S.B. No. 2492, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2587 was adopted and S.B. No. 2492, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2063:

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, S.B. No. 2063, 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, 25. Noes, none.

S.B. No. 2379:

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, S.B. No. 2379, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2924, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2924, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2593 (S.B. No. 2188, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2593 was adopted and S.B. No. 2188, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2594 (S.B. No. 2443, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2594 was adopted and S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A TASK FORCE TO DETERMINE VISITATION RIGHTS FOR GRANDPARENTS AND HANAI INDIVIDUALS WHO ARE INFORMALLY RAISING THESE CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2596 (S.B. No. 2688, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2596 was adopted and S.B. No. 2688, 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, 25. Noes, none.

Stand. Com. Rep. No. 2597 (S.B. No. 3254, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2597 was adopted and S.B. No. 3254, S.D. 2, 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, 25. Noes, none.

S.B. No. 3076, S.D. 1:

On motion by Senator Kokubun, seconded by Senator English and carried, S.B. No. 3076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2601 (S.B. No. 2289, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2601 be adopted and S.B. No. 2289, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Fukunaga requested her remarks be inserted into the Journal, and the Chair having so ordered, Senator Fukunaga's remarks read as follows:

"These measures are part of a package of identity theft bills that have evolved from the work of the Hawaii Anti-Phishing Task Force, established by Act 65, Session Laws of Hawaii 2005, to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the State. The Task Force examined state agencies charged with the responsibility of developing policies, procedures and operations to prevent, monitor, and enforce electronic commerce-based criminal activities and sanctions; reviewed other jurisdictions' activities, policies, and laws related to the prevention of electronic commerce-based crimes; and reviewed a range of options available to deter electronic commerce-based crimes from occurring in the State.

"Through this process the Task Force broadened the scope of its research – and recommendations – to address the rapidly escalating problem of identity theft. Today, National Public Radio began a series on privacy with an interview with a man who discovered his roommate had stolen his social security number, credit card information, and names of family members. It is a story too often heard, and it rarely has a happy ending.

"The purpose of the bills heard in the Senate over the past few weeks – and the House has addressed similar issues – is to provide greater protection from identity theft for the residents of Hawaii through a variety of ways:

S.B. No. 2158, S.D. 2 requires that the first five digits of an individual's social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public inspection. Although this measure is still a work in progress, I believe that the commitment between the executive branch, private sector, legislature and other interested parties to find an appropriate balance between protecting personal information and minimizing the impact upon individual departments will ultimately produce a solid bill.

S.B. No. 2159, S.D. 2 increases penalties for identity theft and makes it a crime to intentionally or knowingly possess the confidential personal information of another.

S.B. No. 2289, S.D. 2 allows consumers who are victims of identity theft to place a security freeze on their credit reports, which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer's express authorization and will provide consumers more control over who has access to their credit report.

S.B. No. 2290, S.D. 2 requires businesses and government agencies that experience a security breach to notify affected citizens of the breach.

S.B. No. 2292, S.D. 2 requires businesses and government agencies that maintain or possess personal information of Hawaii residents protect against unauthorized access to or use of the information after its disposal by destroying the personal information.

S.B. No. 2293, S.D. 2 requires businesses and government agencies – subject to limited exceptions – from disclosing an individual’s social security number (SSN) to the general public; printing the SSN on an identification card or in mailings to customers; and requiring the transmission of a SSN to third parties without the individual’s written consent unless the third party needs the information for a legitimate purpose.

“S.B. No. 2290, S.B. No. 2292, and S.B. No. 2293 originally imposed requirements only on businesses, but early in the hearing process, the Legislature and most testifiers recognized that the obligations imposed by these measures should also be extended to government agencies in Hawaii, and amended the bills accordingly. Government accountability will require further guidance to implement, however, and the Task Force would need to focus on additional issues raised by S.B. No. 2158 and S.B. No. 2293 during the coming year, with further recommendations to the 2007 Legislature.

“Although S.B. No. 2157, S.D. 1, is not a part of the package of bills being voted on today, it remains an important part of the identity theft package. It provided funding for a review of the best means of safeguarding personal information collected by government agencies, and further anti-ID theft initiatives to be undertaken by the Attorney General’s High Tech Crime Unit. The House companion measure, H.B. No. 3244, H.D. 1, has already arrived in the Senate, and will become our vehicle for funding to implement the Identity Theft Task Force’s recommendations.

“Collectively, these measures, provide both a strong foundation in the State’s fight against identity theft, and valuable resources that Hawaii residents can use to protect themselves from financial harm if their financial or personal information is compromised.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2601 was adopted and S.B. No. 2289, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2604 (S.B. No. 2133, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2604 was adopted and S.B. No. 2133, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2606 (S.B. No. 2328, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2606 was adopted and S.B. No. 2328, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD

PROTECTIVE ACT HEARINGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2610 (S.B. No. 2479):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2610 was adopted and S.B. No. 2479, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2050:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 2050, entitled: “A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2456, S.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, S.B. No. 2456, 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. 2620 (S.B. No. 2486, S.D. 2):

On motion by Senator Inouye, seconded by Senator Espero and carried, Stand. Com. Rep. No. 2620 was adopted and S.B. No. 2486, S.D. 2, 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.

Stand. Com. Rep. No. 2623 (S.B. No. 2215, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2623 was adopted and S.B. No. 2215, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2624 (S.B. No. 2290, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2624 be adopted and S.B. No. 2290, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Fukunaga requested her remarks be inserted into the Journal, and the Chair having so ordered, Senator Fukunaga’s remarks read as follows:

“These measures are part of a package of identity theft bills that have evolved from the work of the Hawaii Anti-Phishing Task Force, established by Act 65, Session Laws of Hawaii 2005, to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the State. The Task Force examined state agencies charged with the responsibility of developing policies, procedures and operations to prevent, monitor, and enforce electronic commerce-based criminal activities and sanctions; reviewed other jurisdictions’ activities, policies, and laws related to the prevention of electronic commerce-based crimes; and reviewed a range of options available to deter electronic commerce-based crimes from occurring in the State.

“Through this process the Task Force broadened the scope of its research – and recommendations – to address the rapidly escalating problem of identity theft. Today, National Public Radio began a series on privacy with an interview with a man who discovered his roommate had stolen his social security number, credit card information, and names of family members. It is a story too often heard, and it rarely has a happy ending.

“The purpose of the bills heard in the Senate over the past few weeks – and the House has addressed similar issues – is to provide greater protection from identity theft for the residents of Hawaii through a variety of ways:

S.B. No. 2158, S.D. 2 requires that the first five digits of an individual’s social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public inspection. Although this measure is still a work in progress, I believe that the commitment between the executive branch, private sector, legislature and other interested parties to find an appropriate balance between protecting personal information and minimizing the impact upon individual departments will ultimately produce a solid bill.

S.B. No. 2159, S.D. 2 increases penalties for identity theft and makes it a crime to intentionally or knowingly possess the confidential personal information of another.

S.B. No. 2289, S.D. 2 allows consumers who are victims of identity theft to place a security freeze on their credit reports, which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer’s express authorization and will provide consumers more control over who has access to their credit report.

S.B. No. 2290, S.D. 2 requires businesses and government agencies that experience a security breach to notify affected citizens of the breach.

S.B. No. 2292, S.D. 2 requires businesses and government agencies that maintain or possess personal information of Hawaii residents protect against unauthorized access to or use of the information after its disposal by destroying the personal information.

S.B. No. 2293, S.D. 2 requires businesses and government agencies – subject to limited exceptions – from disclosing an individual’s social security number (SSN) to the general public; printing the SSN on an identification card or in mailings to customers; and requiring the transmission of a SSN to third parties without the individual’s written consent unless the third party needs the information for a legitimate purpose.

“S.B. No. 2290, S.B. No. 2292, and S.B. No. 2293 originally imposed requirements only on businesses, but early in the

hearing process, the Legislature and most testifiers recognized that the obligations imposed by these measures should also be extended to government agencies in Hawaii, and amended the bills accordingly. Government accountability will require further guidance to implement, however, and the Task Force would need to focus on additional issues raised by S.B. No. 2158 and S.B. No. 2293 during the coming year, with further recommendations to the 2007 Legislature.

“Although S.B. No. 2157, S.D. 1, is not a part of the package of bills being voted on today, it remains an important part of the identity theft package. It provided funding for a review of the best means of safeguarding personal information collected by government agencies, and further anti-ID theft initiatives to be undertaken by the Attorney General’s High Tech Crime Unit. The House companion measure, H.B. No. 3244, H.D. 1, has already arrived in the Senate, and will become our vehicle for funding to implement the Identity Theft Task Force’s recommendations.

“Collectively, these measures, provide both a strong foundation in the State’s fight against identity theft, and valuable resources that Hawaii residents can use to protect themselves from financial harm if their financial or personal information is compromised.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2624 was adopted and S.B. No. 2290, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2625 (S.B. No. 2430, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2625 was adopted and S.B. No. 2430, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2626 (S.B. No. 2733, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2626 was adopted and S.B. No. 2733, 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, 25. Noes, none.

S.B. No. 2345, S.D. 1:

On motion by Senator English, seconded by Senator Hanabusa and carried, S.B. No. 2345, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3072, S.D. 1:

On motion by Senator Kanno, seconded by Senator Menor and carried, S.B. No. 3072, 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, 25. Noes, none.

S.B. No. 679, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 679, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TESTIMONY OF DEFENDANTS IN CRIMINAL CASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2243, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2636 (S.B. No. 2159, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2636 be adopted and S.B. No. 2159, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Fukunaga requested her remarks be inserted into the Journal, and the Chair having so ordered, Senator Fukunaga's remarks read as follows:

"These measures are part of a package of identity theft bills that have evolved from the work of the Hawaii Anti-Phishing Task Force, established by Act 65, Session Laws of Hawaii 2005, to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the State. The Task Force examined state agencies charged with the responsibility of developing policies, procedures and operations to prevent, monitor, and enforce electronic commerce-based criminal activities and sanctions; reviewed other jurisdictions' activities, policies, and laws related to the prevention of electronic commerce-based crimes; and reviewed a range of options available to deter electronic commerce-based crimes from occurring in the State.

"Through this process the Task Force broadened the scope of its research – and recommendations – to address the rapidly escalating problem of identity theft. Today, National Public Radio began a series on privacy with an interview with a man who discovered his roommate had stolen his social security number, credit card information, and names of family members. It is a story too often heard, and it rarely has a happy ending.

"The purpose of the bills heard in the Senate over the past few weeks – and the House has addressed similar issues – is to provide greater protection from identity theft for the residents of Hawaii through a variety of ways:

S.B. No. 2158, S.D. 2 requires that the first five digits of an individual's social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public

inspection. Although this measure is still a work in progress, I believe that the commitment between the executive branch, private sector, legislature and other interested parties to find an appropriate balance between protecting personal information and minimizing the impact upon individual departments will ultimately produce a solid bill.

S.B. No. 2159, S.D. 2 increases penalties for identity theft and makes it a crime to intentionally or knowingly possess the confidential personal information of another.

S.B. No. 2289, S.D. 2 allows consumers who are victims of identity theft to place a security freeze on their credit reports, which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer's express authorization and will provide consumers more control over who has access to their credit report.

S.B. No. 2290, S.D. 2 requires businesses and government agencies that experience a security breach to notify affected citizens of the breach.

S.B. No. 2292, S.D. 2 requires businesses and government agencies that maintain or possess personal information of Hawaii residents protect against unauthorized access to or use of the information after its disposal by destroying the personal information.

S.B. No. 2293, S.D. 2 requires businesses and government agencies – subject to limited exceptions – from disclosing an individual's social security number (SSN) to the general public; printing the SSN on an identification card or in mailings to customers; and requiring the transmission of a SSN to third parties without the individual's written consent unless the third party needs the information for a legitimate purpose.

"S.B. No. 2290, S.B. No. 2292, and S.B. No. 2293 originally imposed requirements only on businesses, but early in the hearing process, the Legislature and most testifiers recognized that the obligations imposed by these measures should also be extended to government agencies in Hawaii, and amended the bills accordingly. Government accountability will require further guidance to implement, however, and the Task Force would need to focus on additional issues raised by S.B. No. 2158 and S.B. No. 2293 during the coming year, with further recommendations to the 2007 Legislature.

"Although S.B. No. 2157, S.D. 1, is not a part of the package of bills being voted on today, it remains an important part of the identity theft package. It provided funding for a review of the best means of safeguarding personal information collected by government agencies, and further anti-ID theft initiatives to be undertaken by the Attorney General's High Tech Crime Unit. The House companion measure, H.B. No. 3244, H.D. 1, has already arrived in the Senate, and will become our vehicle for funding to implement the Identity Theft Task Force's recommendations.

"Collectively, these measures, provide both a strong foundation in the State's fight against identity theft, and valuable resources that Hawaii residents can use to protect themselves from financial harm if their financial or personal information is compromised."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2636 was adopted and S.B. No. 2159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2638 (S.B. No. 2551, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2638 was adopted and S.B. No. 2551, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2639 (S.B. No. 2615, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2639 was adopted and S.B. No. 2615, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2642 (S.B. No. 2559, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2642 was adopted and S.B. No. 2559, 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, 25. Noes, none.

S.B. No. 2737, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Hooser and carried, S.B. No. 2737, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2887, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kanno and carried, S.B. No. 2887, 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, 25. Noes, none.

S.B. No. 2574, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Hooser and carried, S.B. No. 2574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3065, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 3065, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY

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

Ayes, 25. Noes, none.

S.B. No. 2224:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2295:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2299:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2299, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE ACCESS FOR UNLICENSED ACTIVITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2280:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2280, 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, 25. Noes, none.

S.B. No. 3278, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 3278, 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, 25. Noes, none.

Stand. Com. Rep. No. 2660 (S.B. No. 2194):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2660 was adopted and S.B. No. 2194, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2661 (S.B. No. 2459):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2661 was adopted and S.B.

No. 2459, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2762, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2762, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2283, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2283, 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, 25. Noes, none.

S.B. No. 2470, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD-TENANT CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2018, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2294, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 3049, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Baker and carried, S.B. No. 3049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2276, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2276, 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, 25. Noes, none.

S.B. No. 2109, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2109, S.D. 1, 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, 25. Noes, none.

S.B. No. 2454, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 173, S.D. 2:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 173, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2688 (S.B. No. 2051):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2688 was adopted and S.B. No. 2051, 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, 25. Noes, none.

Stand. Com. Rep. No. 2689 (S.B. No. 2065, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2689 was adopted and S.B. No. 2065, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2691 (S.B. No. 2226):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2691 was adopted and S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2692 (S.B. No. 2227, S.D. 2):



On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2692 was adopted and S.B. No. 2227, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2693 (S.B. No. 2293, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2693 be adopted and S.B. No. 2293, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Fukunaga requested her remarks be inserted into the Journal, and the Chair having so ordered, Senator Fukunaga's remarks read as follows:

"These measures are part of a package of identity theft bills that have evolved from the work of the Hawaii Anti-Phishing Task Force, established by Act 65, Session Laws of Hawaii 2005, to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the State. The Task Force examined state agencies charged with the responsibility of developing policies, procedures and operations to prevent, monitor, and enforce electronic commerce-based criminal activities and sanctions; reviewed other jurisdictions' activities, policies, and laws related to the prevention of electronic commerce-based crimes; and reviewed a range of options available to deter electronic commerce-based crimes from occurring in the State.

"Through this process the Task Force broadened the scope of its research – and recommendations – to address the rapidly escalating problem of identity theft. Today, National Public Radio began a series on privacy with an interview with a man who discovered his roommate had stolen his social security number, credit card information, and names of family members. It is a story too often heard, and it rarely has a happy ending.

"The purpose of the bills heard in the Senate over the past few weeks – and the House has addressed similar issues – is to provide greater protection from identity theft for the residents of Hawaii through a variety of ways:

S.B. No. 2158, S.D. 2 requires that the first five digits of an individual's social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public inspection. Although this measure is still a work in progress, I believe that the commitment between the executive branch, private sector, legislature and other interested parties to find an appropriate balance between protecting personal information and minimizing the impact upon individual departments will ultimately produce a solid bill.

S.B. No. 2159, S.D. 2 increases penalties for identity theft and makes it a crime to intentionally or knowingly possess the confidential personal information of another.

S.B. No. 2289, S.D. 2 allows consumers who are victims of identity theft to place a security freeze on their credit reports, which will prohibit a consumer reporting agency from releasing any information to unauthorized parties without the consumer's express authorization and will provide consumers more control over who has access to their credit report.

S.B. No. 2290, S.D. 2 requires businesses and government agencies that experience a security breach to notify affected citizens of the breach.

S.B. No. 2292, S.D. 2 requires businesses and government agencies that maintain or possess personal information of Hawaii residents protect against unauthorized access to or use of the information after its disposal by destroying the personal information.

S.B. No. 2293, S.D. 2 requires businesses and government agencies – subject to limited exceptions – from disclosing an individual's social security number (SSN) to the general public; printing the SSN on an identification card or in mailings to customers; and requiring the transmission of a SSN to third parties without the individual's written consent unless the third party needs the information for a legitimate purpose.

"S.B. No. 2290, S.B. No. 2292, and S.B. No. 2293 originally imposed requirements only on businesses, but early in the hearing process, the Legislature and most testifiers recognized that the obligations imposed by these measures should also be extended to government agencies in Hawaii, and amended the bills accordingly. Government accountability will require further guidance to implement, however, and the Task Force would need to focus on additional issues raised by S.B. No. 2158 and S.B. No. 2293 during the coming year, with further recommendations to the 2007 Legislature.

"Although S.B. No. 2157, S.D. 1, is not a part of the package of bills being voted on today, it remains an important part of the identity theft package. It provided funding for a review of the best means of safeguarding personal information collected by government agencies, and further anti-ID theft initiatives to be undertaken by the Attorney General's High Tech Crime Unit. The House companion measure, H.B. No. 3244, H.D. 1, has already arrived in the Senate, and will become our vehicle for funding to implement the Identity Theft Task Force's recommendations.

"Collectively, these measures, provide both a strong foundation in the State's fight against identity theft, and valuable resources that Hawaii residents can use to protect themselves from financial harm if their financial or personal information is compromised."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2693 was adopted and S.B. No. 2293, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2694 (S.B. No. 2296, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2694 was adopted and S.B. No. 2296, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2695 (S.B. No. 2297, S.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2695 was adopted and S.B.

No. 2297, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2700 (S.B. No. 3231, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2700 was adopted and S.B. No. 3231, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2703 (S.B. No. 333, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2703 was adopted and S.B. No. 333, 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, 25. Noes, none.

Stand. Com. Rep. No. 2708 (S.B. No. 2651, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2708 was adopted and S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT WAIPAHU CENTENNIAL MEMORIAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2709 (S.B. No. 2806, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2709 was adopted and S.B. No. 2806, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2712 (S.B. No. 3111, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2712 be adopted and S.B. No. 3111, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Tsutsui rose and said:

"Mr. President, I'd like to insert comments into the Journal on Stand. Com. Rep. No. 2712 in support."

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

"Mr. President, I rise in support.

"Congresswoman Mink became the first Asian-American woman to be elected to the Hawaii Territorial House, the first woman of color elected to the Congress, the first Asian-

American elected to the U.S. House of Representatives and the first Asian-American woman to practice law in Hawaii.

"And as a father of two young girls, It is my hope that by honoring her legacy – we will continue in her drive to open the many doors that to this day remain either closed or obstructed to women and girls.

"Colleagues, Mink is celebrated as one of America's most important civil rights leaders, especially for co-authoring Title IX of the Educational Amendments of 1972, which led to expanded opportunities for women and girls in athletics and academics and to this day, preserves the rights of all genders. In her honor, the Congress renamed the landmark legislation as the Patsy T. Mink Equal Opportunity in Education Act.

"For her contributions towards equal rights in the country, the Congress commissioned a likeness of her image to be forever placed in the halls of the U.S. Capitol building.

"Members, it is important to note that the U.S. Department of Education in a report titled, Title IX: 25 Years of Progress, wrote 'Even today as we acknowledge the many advances women have made in academics, employment and athletics, we still need to recognize some dismaying facts in our efforts to achieve equity. While sex discrimination is no longer routinely accepted in education and has been prohibited since Title IX became law, the incidences of sexual harassment and assault that are continually reported show that freedom from threats to learning still has not been achieved.'

"The report went on to state, 'Although women earn half of all college degrees, they are less likely than men to earn bachelor's degrees in computer science, engineering, physical sciences, or mathematics. At still higher levels of education, they account for only 17 percent of doctoral degrees in math and physical science, 14 percent of doctoral degrees in computer science and 7 percent of doctoral degrees in engineering. This gap takes on more significance still in the labor market where salaries are among the highest in mathematics/computer science and engineering – fields in which women are underrepresented. Without more equity in these fields at all levels, women will remain at the low end of positions and the pay scale in the information age.

"At the high school level, there are still about 24,000 more boys' varsity teams than girls' teams; in college, women receive only one-third of all athletic scholarships; and, overall operating expenditures for women's college sports programs grew only 89 percent, compared to 139 percent for men, representing only 23 percent of the total operating expenses.

"Even though women make up half of the labor market, not only are they underrepresented in jobs in scientific fields, but they are often paid less than men and despite women's large gains toward equal educational attainment and their accompanying gains in labor force participation, their earnings are only 80 percent of the earnings of their male counterparts with the same education – respectively, for graduates of four-year colleges.'

"A pioneer. A trailblazer. She was a very special daughter of Hawaii and with the state honoring her memory and service; we will continue to remind a nation of the importance of equality, peace and social justice. Further reminding Americans that regardless of gender, all Americans are entitled to equal access to quality education, to compete in athletics, and to work a job or profession for which they are qualified.

"I urge your support. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2712 was adopted and S.B. No. 3111, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2715 (S.B. No. 3120, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2715 was adopted and S.B. No. 3120, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2716 (S.B. No. 3121, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2716 was adopted and S.B. No. 3121, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2719 (S.B. No. 2433, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2719 was adopted and S.B. No. 2433, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2721 (S.B. No. 3168, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2721 was adopted and S.B. No. 3168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF REAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2722 (S.B. No. 1294, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2722 was adopted and S.B. No. 1294, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2723 (S.B. No. 1311, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2723 was adopted and S.B. No. 1311, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2725 (S.B. No. 2593):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2725 was adopted and S.B. No. 2593, 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, 25. Noes, none.

Stand. Com. Rep. No. 2726 (S.B. No. 2598):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2726 was adopted and S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2727 (S.B. No. 2606):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2727 was adopted and S.B. No. 2606, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2730 (S.B. No. 2935, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2730 was adopted and S.B. No. 2935, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AND MAKING AN APPROPRIATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2734 (S.B. No. 2948, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2734 was adopted and S.B. No. 2948, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2738 (S.B. No. 2965, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2738 was adopted and S.B. No. 2965, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL APPROPRIATIONS ACT

OF 2005," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2742 (S.B. No. 2132, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2742 was adopted and S.B. No. 2132, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2743 (S.B. No. 2141, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2743 was adopted and S.B. No. 2141, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEX ASSAULT SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2744 (S.B. No. 2329, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2744 was adopted and S.B. No. 2329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING CAPACITY FOR HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2745 (S.B. No. 2337, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2745 was adopted and S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2746 (S.B. No. 2339, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2746 was adopted and S.B. No. 2339, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2747 (S.B. No. 2340, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2747 was adopted and S.B. No. 2340, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2748 (S.B. No. 2347, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2748 was adopted and S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2749 (S.B. No. 2348, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2749 was adopted and S.B. No. 2348, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2750 (S.B. No. 2364, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2750 was adopted and S.B. No. 2364, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2751 (S.B. No. 2502, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2751 was adopted and S.B. No. 2502, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2752 (S.B. No. 2504, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2752 was adopted and S.B. No. 2504, 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, 25. Noes, none.

Stand. Com. Rep. No. 2753 (S.B. No. 2505, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2753 was adopted and S.B. No. 2505, S.D. 2, entitled: "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR

ADOLESCENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2754 (S.B. No. 2577, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2754 was adopted and S.B. No. 2577, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WAIANAE COAST COMPREHENSIVE HEALTH CENTER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2755 (S.B. No. 2630, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2755 was adopted and S.B. No. 2630, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2756 (S.B. No. 2725, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2756 was adopted and S.B. No. 2725, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2757 (S.B. No. 2727, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2757 was adopted and S.B. No. 2727, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NEUROTRAUMA,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2758 (S.B. No. 2729, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2758 was adopted and S.B. No. 2729, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTISTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2760 (S.B. No. 2898, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2760 was adopted and S.B. No. 2898, 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, 25. Noes, none.

Stand. Com. Rep. No. 2762 (S.B. No. 3146, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2762 be adopted and S.B. No. 3146, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Hooser rose and said:

“Mr. President, I’d like to submit remarks in support of Stand. Com. Rep. No. 2762, which is S.B. No. 3146. These are remarks in support and making suggestions for improvements.”

The Chair having so ordered, Senator Hooser’s remarks read as follows:

“Intra-island aeromedical services for rural Oahu are necessary for the health and safety of our residents and visitors. It is also a state-wide matter of public safety. For the past 31 years, the United States Army’s 68th Medical Company’s Medical Assistance to Safety and Traffic (MAST) helicopters have provided a no cost aeromedical service to rural Oahu.

“I am in strong support of S.B. No. 3146 which appropriates funds for the Department of Health to contract with a government agency, U.S. military branch, or private entity to provide intra-island roto-wing aeromedical services for rural Oahu. In addition, this legislation provides matching funds for the County of Hawaii for dedicated EMS personnel to staff the aeromedical helicopter unit on the island of Hawaii. While I continue to emphasize my support for this legislation and improved access to emergency services, I am concerned that the island of Kauai will also be negatively impacted by the loss of the MAST aeromedical service.

“As we all know, access to emergency services and quality health care for residents of neighbor islands and rural Oahu is a pressing concern that must be addressed this legislative session. There is a wide disparity in the delivery of and access to emergency medical services between rural and urban areas. This disparity is attributable to factors such as the availability of professional service providers, geographic barriers, and resource constraints. Such factors pose challenges for the provision of adequate care and treatment to patients from the time to first response through emergency treatment. EMS response time in rural areas is often twice that of urban areas a statistic that attests to the increased mortality rate for people residing in rural areas.

“As the time lapsed between the initial call for aid until the treatment of the patient in the hospital may be critical to survival for our neighbor island residents. For all these reasons, I encourage you, my colleagues to vote in support of this Bill and of providing improved access and often life-saving access to high-quality emergency health services for the people of our islands. For these reasons, I strongly encourage the admission of services for Kauai into the service coverage of this Bill.

“I thank you for attending to the health of those who, like myself, make their home on a neighbor island.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2762 was adopted and S.B. No. 3146, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2765 (S.B. No. 3272, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2765 was adopted and S.B. No. 3272, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REIMBURSEMENT TO THE COUNTIES FOR THE ISSUANCE OF PARKING PLACARDS TO PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2766 (S.B. No. 3283, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2766 was adopted and S.B. No. 3283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2767 (S.B. No. 2150, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2767 was adopted and S.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2768 (S.B. No. 2542, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2768 was adopted and S.B. No. 2542, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2769 (S.B. No. 2709, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2769 was adopted and S.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2770 (S.B. No. 2985, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2770 was adopted and S.B. No. 2985, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2773 (S.B. No. 2189, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2773 was adopted

and S.B. No. 2189, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION ON FATHERHOOD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2774 (S.B. No. 2323, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2774 was adopted and S.B. No. 2323, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2775 (S.B. No. 2333, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2775 was adopted and S.B. No. 2333, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2776 (S.B. No. 2334, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2776 was adopted and S.B. No. 2334, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2777 (S.B. No. 2461, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2777 was adopted and S.B. No. 2461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2778 (S.B. No. 2474, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2778 was adopted and S.B. No. 2474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POST-FOSTER CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2779 (S.B. No. 2507, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2779 was adopted and S.B. No. 2507, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2780 (S.B. No. 2563, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2780 was adopted and S.B. No. 2563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAGE PLUS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2781 (S.B. No. 2617, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2781 was adopted and S.B. No. 2617, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2782 (S.B. No. 2713, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2782 was adopted and S.B. No. 2713, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY IDENTIFICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2783 (S.B. No. 2724, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2783 was adopted and S.B. No. 2724, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2785 (S.B. No. 3003, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2785 was adopted and S.B. No. 3003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2786 (S.B. No. 3202, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2786 was adopted and S.B. No. 3202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2788 (S.B. No. 3215, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2788 was adopted and S.B. No. 3215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2789 (S.B. No. 3229, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2789 was adopted and S.B. No. 3229, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHORE SERVICE PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2790 (S.B. No. 3247, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2790 was adopted and S.B. No. 3247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2791 (S.B. No. 3252, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2791 was adopted and S.B. No. 3252, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2796 (S.B. No. 2237, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2796 was adopted and S.B. No. 2237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2797 (S.B. No. 2488, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2797 was adopted and S.B. No. 2488, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2799 (S.B. No. 2662, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2799 was adopted and S.B. No. 2662, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2800 (S.B. No. 2663):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2800 was adopted and S.B. No. 2663, 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, 25. Noes, none.

Stand. Com. Rep. No. 2801 (S.B. No. 2879, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2801 was adopted and S.B. No. 2879, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2802 (S.B. No. 2882, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2802 was adopted and S.B. No. 2882, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO THE CIVIL AIR PATROL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2804 (S.B. No. 2901):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2804 was adopted and S.B. No. 2901, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2807 (S.B. No. 2145, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2807 was adopted and S.B. No. 2145, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2813 (S.B. No. 3186, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2813 was adopted and S.B. No. 3186, 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, 25. Noes, none.

Stand. Com. Rep. No. 2814 (S.B. No. 3187, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2814 was adopted and S.B. No. 3187, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 2816 (S.B. No. 2090, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2816 was adopted and S.B. No. 2090, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2817 (S.B. No. 2155, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2817 was adopted and S.B. No. 2155, 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. 2818 (S.B. No. 2235, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2818 was adopted and S.B. No. 2235, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2820 (S.B. No. 2417, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2820 was adopted and S.B. No. 2417, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2821 (S.B. No. 2476, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2821 was adopted and S.B. No. 2476, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.



Stand. Com. Rep. No. 2822 (S.B. No. 2478, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2822 was adopted and S.B. No. 2478, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2823 (S.B. No. 2480, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2823 was adopted and S.B. No. 2480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2824 (S.B. No. 2482, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2824 was adopted and S.B. No. 2482, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2825 (S.B. No. 2484, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2825 was adopted and S.B. No. 2484, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2826 (S.B. No. 2485, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2826 was adopted and S.B. No. 2485, S.D. 2, 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. 2827 (S.B. No. 2493, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2827 was adopted and S.B. No. 2493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2829 (S.B. No. 2575, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2829 was adopted

and S.B. No. 2575, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2830 (S.B. No. 2753, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2830 was adopted and S.B. No. 2753, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2832 (S.B. No. 2984, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2832 was adopted and S.B. No. 2984, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2835 (S.B. No. 3078, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2835 was adopted and S.B. No. 3078, 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. 2836 (S.B. No. 3084, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2836 was adopted and S.B. No. 3084, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2837 (S.B. No. 3086, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2837 was adopted and S.B. No. 3086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2838 (S.B. No. 3096, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2838 was adopted and S.B. No. 3096, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE

AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2839 (S.B. No. 3098, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2839 was adopted and S.B. No. 3098, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2840 (S.B. No. 3138):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2840 was adopted and S.B. No. 3138, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2841 (S.B. No. 3147, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2841 was adopted and S.B. No. 3147, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF WAIMEA VALLEY, OAHU," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2844 (S.B. No. 301, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2844 was adopted and S.B. No. 301, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2845 (S.B. No. 304, S.D. 3):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2845 was adopted and S.B. No. 304, S.D. 3, 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, 25. Noes, none.

Stand. Com. Rep. No. 2847 (S.B. No. 2021, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2847 was adopted and S.B. No. 2021, S.D. 2, 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. 2849 (S.B. No. 2272):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2849 was adopted and S.B. No. 2272, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII 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. 2850 (S.B. No. 2273, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2850 was adopted and S.B. No. 2273, 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, 25. Noes, none.

Stand. Com. Rep. No. 2851 (S.B. No. 2274, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2851 was adopted and S.B. No. 2274, 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, 25. Noes, none.

Stand. Com. Rep. No. 2865 (S.B. No. 3090, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2865 was adopted and S.B. No. 3090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2867 (S.B. No. 1659, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2867 was adopted and S.B. No. 1659, 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, 25. Noes, none.

Stand. Com. Rep. No. 2868 (S.B. No. 2071, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2868 was adopted and S.B. No. 2071, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STIPENDS FOR ASSISTANT ATHLETIC DIRECTORS AND COACHES EMPLOYED BY THE DEPARTMENT OF EDUCATION,"

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2871 (S.B. No. 2305, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2871 was adopted and S.B. No. 2305, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2872 (S.B. No. 2587, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2872 was adopted and S.B. No. 2587, 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, 25. Noes, none.

Stand. Com. Rep. No. 2874 (S.B. No. 2650, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2874 was adopted and S.B. No. 2650, S.D. 2, 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. 2875 (S.B. No. 2652, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2875 was adopted and S.B. No. 2652, 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, 25. Noes, none.

Stand. Com. Rep. No. 2876 (S.B. No. 2704, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2876 was adopted and S.B. No. 2704, 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, 25. Noes, none.

Stand. Com. Rep. No. 2878 (S.B. No. 2707, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2878 was adopted and S.B. No. 2707, S.D. 2, 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.

Stand. Com. Rep. No. 2880 (S.B. No. 2718, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2880 was adopted and S.B. No. 2718, 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, 25. Noes, none.

Stand. Com. Rep. No. 2881 (S.B. No. 2719, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2881 was adopted and S.B. No. 2719, 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, 25. Noes, none.

Stand. Com. Rep. No. 2882 (S.B. No. 2720, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2882 was adopted and S.B. No. 2720, 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, 25. Noes, none.

Stand. Com. Rep. No. 2883 (S.B. No. 2732, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2883 was adopted and S.B. No. 2732, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BLIND PERSONS' AND LITERACY RIGHTS AND EDUCATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2884 (S.B. No. 2738, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2884 was adopted and S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO SUPPLEMENT ANY SHORTFALL TO ACQUIRE LAND TO EXPAND KAHUKU HIGH AND INTERMEDIATE SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2885 (S.B. No. 2821, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2885 was adopted and S.B. No. 2821, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LIBRARIAN POSITIONS AT WAIALUA LIBRARY AND KAHUKU PUBLIC SCHOOL LIBRARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2887 (S.B. No. 2838, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2887 was adopted and S.B. No. 2838, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2891 (S.B. No. 2980, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2891 was adopted and S.B. No. 2980, 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, 25. Noes, none.

Stand. Com. Rep. No. 2892 (S.B. No. 3054, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2892 was adopted and S.B. No. 3054, S.D. 2, 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.

Stand. Com. Rep. No. 2894 (S.B. No. 3093, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2894 was adopted and S.B. No. 3093, 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, 25. Noes, none.

Stand. Com. Rep. No. 2897 (S.B. No. 3136, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2897 was adopted and S.B. No. 3136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2900 (S.B. No. 3197, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2900 was adopted and S.B. No. 3197, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2903 (S.B. No. 2076, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2903 was adopted and S.B. No. 2076, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2905 (S.B. No. 2239, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2905 was adopted and S.B. No. 2239, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2906 (S.B. No. 2248, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2906 was adopted and S.B. No. 2248, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2907 (S.B. No. 2282, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2907 was adopted and S.B. No. 2282, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2908 (S.B. No. 2499, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2908 was adopted and S.B. No. 2499, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2909 (S.B. No. 2545, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2909 was adopted and S.B. No. 2545, S.D. 2, 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, 25. Noes, none.

Stand. Com. Rep. No. 2910 (S.B. No. 2571):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2910 was adopted and S.B. No. 2571, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE

CONSTITUTION 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. 2911 (S.B. No. 2125, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2911 was adopted and S.B. No. 2125, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAX CREDITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2912 (S.B. No. 2572, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2912 was adopted and S.B. No. 2572, S.D. 2, 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. 2913 (S.B. No. 2773, S.D. 3):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2913 was adopted and S.B. No. 2773, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

#### MATTERS DEFERRED FROM THURSDAY, MARCH 2, 2006

S.B. No. 2148, S.D. 1:

Senator Hanabusa moved that S.B. No. 2148, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Hemmings rose to speak in favor of the measure as follows:

“Mr. President, I rise to speak in favor of Stand. Com. Rep. No. 2543 regarding S.B. No. 2148, S.D. 1.

“It’s been a longstanding policy of many of us on the right side of the aisle to support the concept of an elected attorney general. We find it rather ironic, now that the partisan label of the Governor has changed, that the Majority Party is now joining in the call for doing so. But that seems to be the example rather than the exception in these last several years.

“There’s another issue that we want to address and rather paradoxically in addressing this particular bill and the subsequent six additional constitutional amendments that are going to be offered today, that once again the Minority Party is calling for a constitutional convention to address what many consider our obsolete and dysfunctional state constitution. To validate this call, we do note that there are six additional constitutional amendments being offered today. In the course

of the last two Sessions of this biennium, there have been 106 amendments offered by this Legislature – 45 in the Senate and 61 in the House. So indeed it seems the majority of Legislators feel that the constitution needs dramatic amending. Rather than piecemeal doing it, maybe a constitutional convention’s time has come.

“Also, we want to make note that the structure of the constitution has allowed in the last several years for extraordinary judicial activism where law is being made by Supreme Court Justices and we in fact have to convene the Legislature and amend their judicial activism by specific laws because of the liberally construed constitution.

“The third issue is the constitution itself and its structure. Though probably well-meaning in 1978, if you look at the Constitution of the State of Hawaii, it is, like the Hawaii Revised Statutes or city ordinances with very specific issues such as public health and welfare, care of handicap persons, public assistance, economic security, housing . . .”

Senator Hanabusa interjected:

“Mr. President, point of order. I’d like to ask that the speaker across the aisle keep his comments to S.B. No. 2148, which is about a constitutional amendment for the election of the attorney general.

“I’m very familiar with this bill, being the introducer, and I don’t remember talking about health and everything else in that. So please ask the speaker to keep his comments to the bill at hand. Thank you, Mr. President.”

Senator Hemmings then stated:

“Thank you, Mr. President, and thank you, good Senator from Waianae. The necessity of talking about this is the very fact that this bill is here before us to be addressed. I’m speaking for the bill, and, in doing so, in favor of preempting necessity for constantly tinkering and fine-tuning the constitution through continued plaguing this process with constitutional amendments and the ballot processes that implement amendments.

“Therefore, I’ll conclude my remarks by reminding this Legislature that we have the opportunity to do the responsible thing for the taxpayers and people of this state by convening a constitutional convention and preempting this unnecessary redundancy and waste of energy and time and money with constitutional amendments every two years. Thank you, Mr. President.”

Senator Trimble rose in opposition and said:

“Mr. President, I rise in opposition to this measure. I offer three reasons.

“One, I’d like to see the Office of the Attorney General as our state equivalent of the Department of Justice. My concern is that if it’s an elected office, it will serve less as an office that seeks to protect the rights of the people and because of the fervor and heat of the election process we will tend to get issues and candidates that are more concerned with law enforcement issues.

“The second reason was already enumerated by the previous speaker. I think changes like this are so substantial that they shouldn’t be rushed through in a 60-day session that is considering perhaps three to four thousand other issues. It merits attention at a constitutional convention.

"The third reason I offer is, why are we doing it now? This seems like a concerted effort by sore losers to slowly dismantle the authority and the streamlined efficiency that our current state government affords. Thank you."

Senator Hanabusa rose to speak in support of the measure and stated:

"Mr. President, I rise to speak in support of S.B. No. 2148.

"Mr. President, I'd like the record to be clarified on this. First of all, the concept of an elected attorney general does not lie with the people across the aisle. I have introduced this same constitutional amendment since 1999, the first year that I have been in office. I believe, Mr. President, if we check the record on this specific constitutional amendment, you'll find that the Senate has in the past supported the amendment; it has gone over to the House and stalled there. Mr. President, it may happen again. To make a generalized statement that it is not something the members of the Majority Party have actually supported in the past and that we have no history about it and this is something that comes all of a sudden because we have a Republican Governor, is absolutely false, Mr. President.

"Mr. President, I ask you and my colleagues to support this constitutional amendment. Thank you, Mr. President."

Senator Slom rose to support the measure and said:

"Mr. President, I rise in support of the measure.

"Since I think I've been introducing these bills, also, since 1997, it is a bipartisan effort. Usually, whenever we have any kind of bill that's going to change something, we look to the other states and usually the supporters always say, well, in 27 other states they do this, in 39 other states they do that. Well, the fact of the matter is that 40 other states do in fact elect their attorney general. We elect our city prosecutor, who is our chief law enforcement officer.

"Election really is more of a transparent process. People worry about the political aspects of it, but I would rather err on the side of having the people have choices. I think there will be good choices put forward if we have an elected attorney general. I thank the good Senator from across the way in Waianae. When she was not busy in the landfill, she was able to come up with good positive legislation like this, clearing her head and so forth.

"I know we're going to pass this today, and I hope for once the House gets onboard and listens to the needs of the people. So, I strongly support the measure. Thank you."

The motion was put by the Chair and carried, S.B. No. 2148, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ATTORNEY GENERAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 2931, S.D. 1:

Senator Hanabusa moved that S.B. No. 2931, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I offer brief remarks in opposition to this measure.

"I think folding large portions of the Department of Public Safety into the attorney general's office again changes the focus of the office away from being a department of justice serving the needs of all the people, into a law enforcement agency. I think it is the wrong direction to move in. Thank you."

Senator Ihara rose with reservations and said:

"Mr. President, please note my reservations on this bill. I believe that it is not necessary to have this bill become effective only upon passage of a constitutional amendment for an elected attorney general. I think the transfer of security functions, at least some of them, under this bill should be allowed with the current appointed attorney general as well."

Senator Hooser rose in support with reservations and said:

"Mr. President, I rise with some reservations but in support of the bill.

"My reservations primarily revolve around the additional transferring of even greater power to this elected position. The attorney general already has significant authority and power and I have some concerns about the additional transfers of authority. Thank you."

Senator Fukunaga rose and said:

"Mr. President, please note my reservations on this bill as well."

The motion was put by the Chair and carried, S.B. No. 2931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

### THIRD READING

S.B. No. 2946, S.D. 1:

Senator Hanabusa moved that S.B. No. 2946, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"We have a whole series of bills that are coming up that are dedicated to taking care of and expanding the rights of prisoners. I'm going to be voting 'no' on all of these bills today.

"Over the years, I've tried to be fair and balanced. I've tried to support measures that would give additional training and abuse assessment and so forth for prisoners. But at this point, Mr. President, I am so concerned that we do not speak for, nor are we concerned about victims of crimes. Everything seems to be for the prisoners and their comfort and their food and their exercise and their video equipment and everything else. So, I'm going to be casting a 'no' vote on this and all of the bills to follow. Thank you."

The motion was put by the Chair and carried, S.B. No. 2946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT

COMMISSION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2679, S.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, S.B. No. 2679, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Whalen).

S.B. No. 627, S.D. 1:

Senator Hanabusa moved that S.B. No. 627, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Sakamoto rose and said:

“Mr. President, I’d like to ask the Chair of the Judiciary to clarify the intention of this measure that it doesn’t intend to prohibit a person from taking action when it’s an industry or a group of companies or a group that’s affected. I hope she can clarify that, because otherwise, many people in this community have relationships with many different companies or many different people and this bill could be interpreted broadly to preclude many actions that honest people should be allowed to take.”

The Chair then inquired:

“Are you in support or opposed?”

Senator Sakamoto responded:

“I’m in support, but I’m asking for the clarification from the Chair of the Judiciary Committee.”

Senator Hanabusa responded:

“Mr. President, the concern that the previous speaker has, I believe, addressed within the bill. What the bill says is that, for example, if you sit on a board and that board requires you to be part of the industry, you are not to vote on a matter if it directly affects something of your personal interest.

“I believe that the language is consistent within the bill, that it must affect your personal interest. Mr. President, even when looking at the whole concept of ethics, we are always dealing with it – we including those of us in this Body – which is the fact that you will always, if you broadly construe everything, you will have a conflict of some sort or other, but that’s not the intent of this bill.

“I believe this bill was drafted specifically to address situations when someone is making a decision on a contract, for example, and one is an employee of the state, that directly affects your son, your sibling, or someone very close to you. That’s the intent of this measure. Thank you, Mr. President.”

The motion was put by the Chair and carried, S.B. No. 627, 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, 25. Noes, none.

S.B. No. 1061:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 1061, 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, 25. Noes, none.

S.B. No. 2260, S.D. 1:

Senator Hanabusa moved that S.B. No. 2260, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose in support of the measure as follows:

“Mr. President, I rise in support of the bill.

“This is the so-called three violent strikes bill. We tried in the past to get a three strikes bill passed. We could not do that. Hopefully today we’re going to pass this bill and this bill will become law this year.

“The only problem with the bill that I see is that we’re giving criminals at least two previous whacks at people. We are not talking about violent attacks and we’re saying the first violent attack, like that first dog bite, is okay. The second violent attack is okay. But by the time we get to the third violent attack, by golly, that’s enough. And if trends in this Legislature continue, next year we’ll have somebody saying that again that’s too harsh and it makes people mean and all of that stuff.

“But I’m supporting this bill because we need to do something. We need to send a message that in fact we are going to get tough on violations of the law. Thank you.”

Senator Sakamoto rose in support with reservations and said:

“Mr. President, I rise in support with reservations, certainly not in support of criminals – in support of the victims.

“I think the bill talks about something like burglary in the first degree, if you have three separate offenses, then mandatorily things trigger. I would hope as we work on our inmates and our people who need help, that rehabilitation is part of the process. Sometimes people fall, but I would hope we leave the judgment to the judges, especially for allowing people to redeem themselves.”

Senator Hooser 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. 2260, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING,” 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. 2560 (S.B. No. 2503, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2560 be adopted and S.B. No. 2503, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose in opposition to the measure as follows:

“Mr. President, I rise in opposition to this bill.

"Again, Mr. President, we're going to have a series of bills relating to tobacco and tobacco products. Most of them have to do with gauging the victims of tobacco dependence, and there's no question that people are dependent on tobacco products. There's no question also, however, that there is a choice involved here and that people freely choose to smoke tobacco, which at last count has not been made illegal.

"To those who support all of this legislation, if they are really concerned about the public, if they're really concerned about the people that smoke, if they're really concerned about the children, then they would ban this substance as we have banned other substances. But of course we don't do this, and that makes the people that support these kinds of measures hypocritical.

"First of all, as far as flavored cigarettes, I don't know if they're only geared for children or not. I know that we have flavored beverages and flavored other products for adults and I presume that the marketing people at tobacco companies are doing that as well for adults.

"But again, my main point is that if we're really concerned about this as a health issue, we wouldn't try to get more money out of the dependees on tobacco products and that's what we seem to do. We try to punish a legal entity. If you don't want it legal, make it illegal, but as long as it's legal, don't punish the producers. Thank you."

Senator Baker rose in support of the measure and stated:

"Mr. President, I rise in support of this measure.

"This measure would ban the sale, distribution, and offering for sale of cigarettes that impart a characterizing flavor prior to or during consumption. In hearings before the Health Committee on February 8<sup>th</sup>, the attorney general testified in support of this measure saying that the attorney general welcomes this additional tool to discourage the use of tobacco.

"Since 1998, legal settlements between the states and the tobacco companies prohibited tobacco companies from taking any action directly or indirectly to target youth in the advertising, promotion, or marketing of tobacco products. The cigarette companies have increased their marketing expenditures by 125 percent to a record \$15.1 billion a year or \$41.5 million a day, according to the Federal Trade Commission. Much of this is targeting directly at our young people.

"One of the tobacco industry's most outrageous new tactics is the introduction of candy-flavored cigarettes. RJ Reynolds, the same company that once marketed cigarettes to kids with cartoon characters Joe Camel, has launched a series of flavored cigarettes including a pineapple and coconut flavored cigarette called 'Kauai Colada' and a citrus flavored cigarette called 'Twist of Lime'. In November of 2004 they introduced Camel winter blends in flavors including 'Winter Warm Toffee' and 'Winter Mocha Mint.' There's even a cigarette that's bourbon flavored.

"Brown and Williamson, another big tobacco company, has introduced flavored versions of its cool cigarettes with names like 'Caribbean Chill,' 'Midnight Berry,' 'Mocha Taboo,' and 'Mintrigue.' Mr. President, these are not targeted to adults. These are targeted to kids, and the Department of Health in their testimony in support of this measure says, 'The earlier that an individual begins smoking, the more likely he or she will become addicted to tobacco products and will continue to smoke throughout their lifetime. As a result, flavored cigarettes result in increased tobacco use, increased addiction, increased

incidents of smoke-related illnesses, increased healthcare costs, and more smoke-related deaths. The Department of Health views the sale and distribution of flavored cigarettes as a serious public health issue and they have been shown to increase tobacco use among children.'

"Turning to the testimony from the American Cancer Society, 'The American Cancer Society notes that research has demonstrated that smoking harms nearly every organ of the body, damaging overall health even if no specific disease develops. The monetary cost is also immense. In a 2004 Surgeon General's report, it was estimated that smoking costs more than \$157 billion in medical care and lost productivity. In Hawaii, tobacco use is responsible for over 1,100 deaths per year and it costs the state over \$525 million in healthcare and other associated costs. It is a dangerous substance and its distribution should be controlled as strongly as possible,' according to the American Cancer Society.

"Mr. President, colleagues, I happen to agree with the ACS and urge all of you to join me in voting 'yes' on S.B. No. 2503. Thank you."

Senator Trimble rose to speak in opposition and said:

"Mr. President, I rise in opposition to the measure.

"Colleagues, is banning this product going to convince our youth that they should not try it? I suggest that if we make it illegal, we shall be increasing the interest in this product and perhaps its use.

"Several years ago, or I guess decades ago, if a movie producer wanted to increase the attendance at his film, he sought to have it banned in Boston as somehow unacceptable for public consumption. And what did it do? People from Boston drove all over Western Massachusetts so that they could see the movie.

"I suggest that by banning flavored cigarettes, we will be creating a demand for it among our youth. We will be encouraging illegal activity by our youth, and we will be encouraging a black market for the product. I think that none of these are desirable. I think we should limit our activity to informing children of the risks and dangers of smoking and then let them make their own choice. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2560 was adopted and S.B. No. 2503, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Slom, Trimble, Whalen).

S.B. No. 2576, S.D. 1:

Senator Hanabusa moved that S.B. No. 2576, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Hogue rose with reservations and said:

"Mr. President, I rise to note my reservations.

"Colleagues, I'm against cruelty to animals. I think all of us are, but I think that this bill needs to be tightened up. In Section 2, subsection a (iii), it says aggravated cruelty to pet animals, which becomes a class C felony, if a person 'carries or causes to be carried on public property or in or upon any vehicle or other



conveyance any pet animal in a cruel or inhumane manner,' but then it doesn't actually define what that means. Essentially, it would mean that if a very responsible person was taking their pet, say, to the pet doctor and had them in the front seat and didn't have a seatbelt or a helmet on the pet, that they would be guilty of a class C felony.

"So, I think that we can tighten up the language here and do a little bit better job. Thank you."

The motion was put by the Chair and carried, S.B. No. 2576, S.D. 1, 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, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Menor).

S.B. No. 2603, S.D. 1:

Senator Hanabusa moved that S.B. No. 2603, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Trimble rose in opposition to the measure and stated:

"Mr. President, I rise in reluctant opposition to this bill.

"Colleagues, it might be useful if we all spent a few days in district court watching what kind of cases appear before judges and what choices they have. I suggest that we are making our society . . . we are creating more law than a certain segment of our society can reasonably accommodate. I think we need a new model. I think we need to figure out ways of making it easier for people to comply with the law, and in some cases that might mean that no-fault insurance is purchased at the pump when you buy your gasoline. We need a different model.

"We can't just continually increase the severity of the crime and the number of crimes and figure that somehow the people out there are listening, because if you go to district court, you'll see the people in front of the judge are people generally speaking of my gender that aren't listening to what we say and do here. Thank you."

The motion was put by the Chair and carried, S.B. No. 2603, 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, 22. Noes, 1 (Trimble). Excused, 2 (Hee, Menor).

S.B. No. 2922, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, S.B. No. 2922, 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, 22. Noes, 1 (Trimble). Excused, 2 (Hee, Menor).

Stand. Com. Rep. No. 2567 (S.B. No. 3262, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2567 be adopted and S.B. No. 3262, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Baker rose and said:

"Mr. President, I have some comments I'd like 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. 3262, S.D. 1, which will guarantee comprehensive protections against exposure to secondhand smoke at state, county and private sector workplaces.

"New science has shown that secondhand smoke is more than just an annoyance; it is a serious health hazard. Secondhand smoke has been proven to cause cancer. The Centers for Disease Control and Prevention (CDC) considers it so dangerous they have advised people with heart conditions to avoid exposure to secondhand smoke for even 30 minutes due to the increased risk of heart attack. With this bill in place, Hawaii will provide the adequate protections for the public and our workers that the current hodgepodge of county and state laws do not. The Department of Health concurred that the state statute is obsolete and needs to reflect the most current public health science and public health policy relating to secondhand smoke.

"Coalition for a Tobacco Free Hawaii, a statewide association of over 140 members including health, business and civic organizations and individuals, has been the driving force behind this legislation. In their testimony to your Health Committee, the Coalition cited the findings of a 2005 California EPA report that noted secondhand smoke: is linked to breast and cervical cancer, increases low birth-weight and pre-term deliveries, exacerbates asthma in both children and adults and causes asthma in children. Secondhand smoke is as deadly and laden with health risks as is smoking.

"Some businesses have feared that going smoke-free would harm their businesses. However, independent economic studies have shown that smoke-free laws are either beneficial to business or have a neutral effect. In New York City and the State of California, smoking bans saw increased business tax receipts in restaurants and bars, additional jobs were created and there was less absenteeism and employee turnover. In Hawaii, secondhand smoke is an economic burden and has a high price tag. Over \$300 million is spent in health care costs related to secondhand smoke and smoking. Over \$200 million a year is lost in worker productivity.

"Your Committees heard testimony from Hawaii businesses and labor unions in support of this measure. In addition a poll conducted in October 2005 of Hawaii registered voters found that 85 percent support a statewide law that would prohibit smoking in most enclosed public places, including all workplaces, public buildings, office, bars, nightclubs and restaurants across the state. 93 percent of Hawaii's people believe workers should be protected from exposure to secondhand smoke and that restaurants and bars would be healthier for customers and employees if they were smoke free. Additionally, 31 percent said they would eat out more often if such establishments were smoke free.

"Mr. President, it's time for Hawaii to clear the smoke. I urge a 'yes' vote on S.B. No. 3262, S.D. 1. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2567 was adopted and S.B. No. 3262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Slom, Trimble, Whalen). Excused, 2 (Hee, Menor).

Stand. Com. Rep. No. 2573 (S.B. No. 2909, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2573 be adopted and S.B. No. 2909, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition and said:

“Mr. President, I rise in opposition to this bill.

“The law that we passed a couple of years ago that required faster approval of permits I think has been working quite well. We still have, however, a slow down in permits, particularly in the City and County of Honolulu. To pass this bill would slow them down even further and would not do anything to protect the public safety or to move along the construction process. Thank you.”

Senator Espero rose with reservations and said:

“Mr. President, please note my reservations on this.”

The Chair so ordered.

Senator Baker rose and said:

“Mr. President, note my reservations as well, please.”

The Chair so ordered.

Senator Hooser rose in support of the measure as follows:

“Mr. President, I rise in support of this bill.

“Mr. President, this bill came about as a request from the counties, the Big Island specifically. There’ve been many, many instances of the automatic approval requirement causing projects where the community and in fact the decision-making body did want to approve it but because of a lack of a quorum and other issues, they were forced to take hasty action. The land use process is a long and complicated one and purely putting an automatic timeline on something to deal with many complicated issues is not good public policy in my opinion.

“I encourage my colleagues to vote in support. Thank you.”

Senator Whalen rose to speak in opposition as follows:

“Mr. President, I rise in opposition to the bill. Mainly, I want to respond to the last statement I heard.

“The timeline starts ticking once the applicant has provided the body with the information it needs. So, with these issues that are long and complicated, the clock isn’t ticking at that point until the applicant has provided the body with all the information that is required, whether it’s environmental impact statements or public hearings, etc., everything that needs to be done. All it is is an excuse for a body to dillydally and not make up its mind. Meanwhile, businesses, etc., are losing thousands, sometimes tens of thousands of dollars a day, while the government is just raking them over the coals.

“I was here when we put this bill in and it has done its purpose in terms of helping the bureaucrats to realize that there are people out there who work, and time is money and you just can’t stall them and put them off. This bill puts us right back where we were, and for that reason, I oppose it.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2573 was adopted and S.B. No. 2909, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERMIT APPROVALS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 2575 (S.B. No. 2421, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2575 be adopted and S.B. No. 2421, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition as follows:

“Mr. President, I rise in opposition to this measure at this particular moment in time.

“If I understand what this bill does, it potentially rolls the clock back 150 years. I don’t know if I support rolling the time clock back 150 years or not because what I’d like to know is what is this going to do? How many acres are involved? How many parcels of property are involved? What is the cost that is ultimately going to mean trying to go back and redo things over a 150-year history?

“Until I have better information, I can’t vote for this measure. Thank you.”

Senator Kokubun rose to speak in support and said:

“Mr. President, I stand in support of the measure.

“Mr. President, we are not rolling the clock back 150 years. Essentially, kuleana lands have been historically with us for many, many years, and the sad part of our history is that many of these kuleana lands have been taken by adverse possession and many of those native tenants have been displaced from their lands by the use of adverse possession.

“What this law does is going forward bars the use of adverse possession to take kuleana lands. Mr. President, I urge all my colleagues to support this measure. Thank you.”

Senator Whalen rose in support of the measure and stated:

“Mr. President, I rise in support, but I just want to clarify something for the record.

“The previous speaker gave the impression that adverse possession can be used to toss somebody off the land. The very nature of the law of adverse possession is that whoever is going to get this land is actually living there and shows signs that they own it. If the true owner of the land is living on the land, there’s no way you can use adverse possession to toss them off. So that argument fails on its face for that part.

“But on a whole, although I’m voting for this bill, I think this Session in particular removed in some ways too far in one way with the pendulum swing in terms of trying to rectify past wrongs perhaps to say for the Native Hawaiian community. I’ll wait for us to get to those bills before I talk about that.”

Senator English rose in support of the measure as follows:

“Mr. President, I rise in support of the measure.

“Mr. President, members, just to be clear, the act that we’re doing today, this act that we’re moving forward, is predicated on an act that happened in 1850. It’s called the ‘Kuleana Land

Act,' which the Legislature of the Kingdom of Hawaii promulgated to allow for the common people to own land. Less than 30,000 people got land, probably maybe an acre-and-a-half to two acres, and these lands were within larger districts. The Mahele happened in 1848, and that divided the lands between the government, the King and the crown, and the 248 highest chiefs of the land. The commoners got land through the Kuleana Act of 1850.

"Up until the present, most of these lands have disappeared in adverse possession because in the plantation era and up until recently, these lands were essentially leased by large companies or lost so they could not find them on the maps. The descendants didn't realize that the family had land in the far districts. But in essence, they were small pieces and this simply bars the use of someone living or using the property as then claiming that land as their own.

"So, I think that it actually does help the original intent of the Kuleana Act of 1850. I urge everyone to continue to support this. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2575 was adopted and S.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE POSSESSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 2687:

Senator Hanabusa moved that S.B. No. 2687, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

"Mr. President, I rise in opposition to the bill.

"Two years ago the Legislature passed a bill to help take back the parks and make the parks usable by all citizens and residents. We all know that we have a homeless problem. We know that most of the parks in fact have illegal campers and illegal trespassers. What this bill then would do is take away that law which we passed two years ago.

"I think we are trying to address the issue of homelessness. It is a separate. It should be dealt with separately. But the use of the parks, the maintenance of the parks, the cost of upkeep to the parks should be of concern to everyone in the community. I know it is to those people that testified against this bill, including the Kulio'o Neighborhood Board No. 2. They have been very frustrated because they've had meetings upon meetings. They've met with the police. They've met with social agencies. They've tried to reach an accommodation and yet the parks are not public. The parks are not for everyone. The parks have become havens for a certain group of people.

"And so, as I say, we should be addressing the homeless problem as we are in a number of other bills, but we should make sure that we maintain the parks for all users in the community and throughout the state. Thank you."

Senator Espero rose with reservations and said:

"Mr. President, I'll be voting with reservations on this matter. Thank you."

Senators Inouye, Bunda and Nishihara 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. 2687, 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, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

S.B. No. 2424:

Senator Hanabusa moved that S.B. No. 2424, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition to the measure as follows:

"Mr. President, if I read this bill correctly, we're passing or seeking to create this law because we want to change the phrase 'master plan' to 'strategic plan.' I don't see the necessity of having a bill to do just the change in wording of 'master plan' to 'strategic plan.' Thank you."

The motion was put by the Chair and carried, S.B. No. 2424, 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, 1 (Trimble).

Stand. Com. Rep. No. 2585 (S.B. No. 2412, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2585 be adopted and S.B. No. 2412, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Kanno rose and said:

"Mr. President, please note my reservations. Thank you."

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2585 was adopted and S.B. No. 2412, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2586 (S.B. No. 2423, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2586 was adopted and S.B. No. 2423, S.D. 2, 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. 2588 (S.B. No. 3273, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2588 was adopted and S.B. No. 3273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2381, S.D. 1:

Senator Taniguchi moved that S.B. No. 2381, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose and said:

“Mr. President, as previously noted in Ways and Means . . .”

President Bunda interjected:

“Senator Trimble, are you supporting the bill or opposing it?”

Senator Trimble responded:

“Neither one, Mr. President. (Laughter.) I’m seeking to recuse myself because of certain issues I have before the audit division of the Department of Taxation.”

Senator Whalen then rose and said:

“Mr. President, I move we submit our ‘yes’ and ‘no’ votes and vote on the rest of the calendar right now.” (Laughter.)

The motion was put by the Chair and carried, S.B. No. 2381, 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 (Trimble).

Stand. Com. Rep. No. 2595 (S.B. No. 3191, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2595 be adopted and S.B. No. 3191, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition to the measure and said:

“Mr. President, I rise in opposition to this measure.

“This can work both ways. I went to Dan Dinell and said it would be cheaper if you bought space on the inside, condemned space on the inside from Victoria Ward and then in turn sold or gave that to the small landowners that were facing Queen Street on the Makai side. Therefore, when we widen Queen Street, the size of those smaller lots would not have to be reduced to the point where the lots are no longer useful for the business they’re trying to conduct.

“So, if we pass this law, we will not be able to implement it in such a way where we could actually use the law to help small businesses. So I think we should maintain the flexibility that we have, and therefore I urge you to vote against this bill. Thank you.”

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

“Mr. President, I rise in strong support of the bill.

“While it is true that you might be able to use this two ways, the only way that we’ve seen it being used in the last dozen years is in an illegal way – the taking of private property by the government to give to another private owner. Some of us find fault with eminent domain and the way it was used in the previous decades for public purposes. But to take it for private

purposes really is not a safe or sane argument and people across the country are very concerned about it, particularly since the *Kelo v New London* decision.

“You know that I’m a very strong small business advocate, but I don’t advocate taking land away from big businesses to give to small businesses. It’s not an issue of big versus small. It is an issue of government versus private and it’s an issue of takings in the first place. And whether you use economic justifications or social justifications or something else, private property is supposed to be revered and sacred in the United States of America and we’ve gone far afield from that.

“If we don’t tax people out of their property, now we’re trying to take their property because we say, ‘just because they live there, just because they operate a small business, that’s good enough. We, as the government, can get more money and can find a better use for it.’ We’ve got to start protecting private property and those who live in it and who have worked so hard to maintain it. So, I support this bill very strongly. Thank you.”

At 11:31 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:32 o’clock a.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2595 was adopted and S.B. No. 3191, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMINENT DOMAIN,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Taniguchi).

S.B. No. 2462, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, S.B. No. 2462, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MAKENA-KEONEIO GOVERNMENT ROAD,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 3180, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Ige and carried, S.B. No. 3180, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COUNTIES,” 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. 2602 (S.B. No. 2292, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2602 was adopted and S.B. No. 2292, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2603 (S.B. No. 2938, S.D. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 2603 be adopted and S.B. No. 2938, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose on the measure and said:

“Mr. President, I think we’re using too broad a brush. I can see halfway houses . . .”

Senator Baker interjected:

“Mr. President, does the speaker speak for or against the measure?”

Senator Trimble responded:

“I rise in opposition to this measure.

“The brush that we are trying to apply is too broad. There are some houses or facilities that would not involve released convicts or prisoners but merely a group of people seeking to live together, perhaps in a dry environment. I don’t think we should include them in the same group as the others, unless perhaps we go to the degree of asking everyone who drinks in the neighborhood, or might have a drinking problem, to post a little sign on his door. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2603 was adopted and S.B. No. 2938, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY NOTIFICATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2605 (S.B. No. 2161, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2605 be adopted and S.B. No. 2161, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Hogue rose with reservations and said:

“Mr. President, I rise with some reservations about this particular measure.

“I think that we would all agree that we want foster children to be cared for in the best way possible. However, the way that this is written, it appears to make it much more difficult to become a foster parent. Now, these past couple of years I’ve been coaching basketball and one of the players on my team comes from a family in which they have six foster children. It’s just quite an amazing situation. I think that with all the different things they’ve talked about here, it’s going to prevent families like that from coming forward.

“They go on and on in this bill about the right of following the child’s wishes. They talk about the foster care providers have to be adequately informed of the child’s circumstances, on and on and on. It’s talks about adequately informed about the child’s cultural background and to the extent possible, the information about their hobbies and likes and dislikes. It seems like the child is the person in charge instead of the parent. I think that we all come from homes in which when we were children, the parent was in charge.

“So, I think that we just need to take a look at this about coming forward with some reasonable rules that will protect children and at the same time encourage people who want to voluntarily step forward and become foster parents. Thank you, Mr. President.”

Senator Whalen rose in opposition to the measure as follows:

“Mr. President, I rise in opposition.

“I feel it goes much further than just concern or reservations. The prior speaker mentioned a few, and I won’t go on and belabor it, but this bill gives more rights than I think a traditional family. For instance, in there they talked about a minor who already has a child has the right to make the parental decisions for their kid. They obviously have a problem with making wise decisions themselves to begin with – lack of discretion and getting pregnant in the first place – and we’re giving them this right. I realize it does allow a court to step in and say, well, it’s not in your best interest or it’s not in your child’s best interest, but how many more visits to family court do they have to go to?

“And speaking of that, I think the bill does have a race problem, unequal protection. If you’re Hawaiian then you need to go to a Hawaiian family. But if you’re Chinese or Japanese, then you can go with wherever the department decides to send you and it gives a preference to Hawaiian children. It doesn’t talk about those raised in a culture or anything else particularly, it says, if you’re of Hawaiian decent.

“I have a good friend of mine, a Black man with a Filipino wife, who have raised a number of foster kids and most of them have some Native Hawaiian blood in them. They do a tremendous job of raising these kids and helping them get on their feet and move on in life. This bill, what? He’s not good enough? He’s not a good enough foster parent? He can’t do it anymore?

“It just goes way beyond reservations. It needs to be overhauled completely.”

Senator Chun Oakland rose to speak in support of the measure and stated:

“Mr. President, I stand in support of this measure.

“I appreciate both previous speakers’ concerns. This is a product of the Hawaii Foster Youth Coalition, Legal Aide Society. The folks that testified in support of this, including the Foster Parents Association, were supportive.

“If you do have suggestions, I think, as we go through the process, that would be very much welcomed. I do appreciate it and I hope everyone does support this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2605 was adopted and S.B. No. 2161, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FOSTER CHILDREN,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 2607 (S.B. No. 3016, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2607 be adopted and S.B. No. 3016, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose in opposition and stated:

“Mr. President, I rise in opposition to this bill.

“What this bill seeks to do is to penalize employers who do not pay prevailing wages, and of course existing law does

provide for those penalties. The Department of Labor and Industrial Relations, which testified against this bill says that in fact they have initiated fines and penalties against such employers, though they be few in number.

“What this bill really does is seek to increase the power and clout of labor unions here by going far beyond existing law and far beyond any problems that exist by giving the unions injunctive relief, which means that they can freeze an action or they can do something to affect the business while any litigation or while any investigation is going on. We have the federal law that covers issues where federal entities are involved. And as I mentioned, the state law is quite adequate.

“We’ve done the job and we don’t need these additional powers, one-sided powers, for labor unions. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2607 was adopted and S.B. No. 3016, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PREVAILING WAGES,” 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. 2608 (S.B. No. 3021, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2608 be adopted and S.B. No. 3021, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

“Mr. President, I rise also in opposition to this bill

“This bill has to do with alleged violations of sick leave policies. Just a reminder that sick leave, in fact, is not a mandated benefit, nor should it be, although most employers, large and small, do either grant sick leave of flexible leave policies.

“What this bill does, though, it says that any policies by both employers or labor unions that would seek to punish employees because of their use or abuse of sick leave policies are punishable, but then in the bill, basically the punishment is only reserved for employers. There has been no problem that has been testified to and what this probably would do if this bill passes and becomes law is to make many companies rethink their sick leave policies if they’re not under collective bargaining right now.

“So, it is a bill that has a solution for no problem that exists. Thank you.”

Senator Kanno rose in support of the measure and said:

“Mr. President, I rise in support of the measure.

“I wanted to read from a testimony submitted at the hearing. This was from an individual. He talked about working for a retail company and he states, ‘It had a policy of progressively disciplining employees for using their sick days, even with a doctor’s note. This process started as soon as employee takes his or her first sick day. The company provided us with only five days of leave.’ He talks about the policies being shortsighted and resulted in employees coming in who were sick because they would be disciplined for taking their first day of sick leave. Thank you, Mr. President.”

Senator Sakamoto rose to speak in support with reservations and said:

“Mr. President, please note my support with reservations.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2608 was adopted and S.B. No. 3021, S.D. 2, 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, 6 (Hemmings, Hogue, Ige, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 2609 (S.B. No. 3033, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2609 be adopted and S.B. No. 3033, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senators Ihara and Sakamoto 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. 2609 was adopted and S.B. No. 3033, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,” 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. 2611 (S.B. No. 2079, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2611 be adopted and S.B. No. 2079, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition and said:

“Mr. President, I rise in opposition to the measure.

“The committee report noted that the real problem is automobile theft, so why don’t we address the real problem instead of trying to legislate common sense?”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2611 was adopted and S.B. No. 2079, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILDREN,” 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. 2612 (S.B. No. 2166, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2612 be adopted and S.B. No. 2166, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

“Mr. President, I rise in opposition.

“Mr. President, again I think we go too far here. I realize that we’re very much on the liberal side when it comes to these type of rights. But in this bill we’re including other medical procedures besides reproductive stuff and venereal diseases to what a 14-year-old can consent to.

“What I find troubling in this is that there’s no determination by even a mention of it from the doctor that parents should or shouldn’t know or that the child should or shouldn’t tell the parent. It just says the minor can consent. There are times when the kid is just embarrassed or frightened or scared. The parent is very much concerned about what’s going on in their kid’s life, but the kid maybe is going through sowing his wild oats period or whatever the case may be. But still, we’re talking about major surgery that the child can consent to on their own without any input from their parents.

“I realize in some small instances maybe that’s best, but to put a blanket policy like this in there without even a hint of the doctor should go in and check out to see if the parent should or shouldn’t know about it, again, I think we’re going too far in our efforts here. Thank you.”

Senator Slom rose in opposition and stated:

“Mr. President, I also rise in opposition to the bill.

“In addition to the good words of my colleague from Kona, it should be noted that while this bill talks about minors who are living on their own without parental support or guidance – and the key term here is minors – any of us who are parents know that even if that situation existed, we are still responsible for our minor children whether they accept our love or guidance or support or whatever. And we also know that if anything goes wrong during any of these surgeries or any of these procedures, where are they going to turn to for liability and for assistance? It’s going to be with the parents.

“So if the parents don’t even know about it, if they have no discussion, if they have no input to this, it makes it truly one-sided and you’re not doing these children any favors. Thank you.”

Senator Whalen rose again and said:

“Mr. President, just one last rebuttal point to the good speaker here on my right – not really a rebuttal but something to think about.

“The bill before, we said if you’re 14 years old you’re not adult enough to be able to watch your 8-year-old sibling in a car with you. Now we’re saying that at 14, you’re old enough to make life-threatening decisions or life-endangering medical procedures or life-altering medical procedures. It doesn’t make sense. We keep flipping and flopping one way or another on our policy and we need to get consistent.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2612 was adopted and S.B. No. 2166, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MINORS;” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 2613 (S.B. No. 2327, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2613 be adopted and S.B. No. 2327, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition and said:

“Mr. President, I rise in opposition to this measure.

“This measure would require – not allow, but mandate – that teachers report suspected cases of child abuse. We already expect a lot of our teachers and I don’t think we should be changing law just because of whatever system we come up with. There will be mistakes that happen. The system that we have in place where one central authority of the school is in charge of reporting child abuse should work well in almost all instances and certainly better than mandating that teachers be the one to place the call. Okay?”

“So, please think about it before you vote. We don’t need to keep changing the law every time something unfortunate happens. Thank you.”

Senators Ige and Nishihara 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. 2613 was adopted and S.B. No. 2327, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING;” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2614 (S.B. No. 3200, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2614 was adopted and S.B. No. 3200, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD PROTECTION;” 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. 2615 (S.B. No. 3219, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2615 was adopted and S.B. No. 3219, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY PLACEMENT;” 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. 2616 (S.B. No. 2213, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2616 be adopted and S.B. No. 2213, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

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. 2616 was adopted and S.B. No. 2213, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TORT ACTIONS;” 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. 2617 (S.B. No. 2385, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2617 was adopted and S.B. No. 2385, S.D. 1, entitled: “A BILL FOR AN ACT

RELATING TO HIGHWAY 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. 2621 (S.B. No. 2487):

On motion by Senator Inouye, seconded by Senator Espero and carried, Stand. Com. Rep. No. 2621 was adopted and S.B. No. 2487, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY,” 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. 2622 (S.B. No. 2162, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2622 was adopted and S.B. No. 2162, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FOSTER CHILDREN,” 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. 2627 (S.B. No. 2986, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2627 was adopted and S.B. No. 2986, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMINENT DOMAIN,” 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. 3008:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, S.B. No. 3008, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Ihara).

S.B. No. 2408, S.D. 1:

On motion by Senator Hanabusa, seconded by Senator Hee and carried, S.B. No. 2408, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIABILITY OF FIREARM OWNERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2634 (S.B. No. 917, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2634 be adopted and S.B. No. 917, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose in opposition to the measure and said:

“Mr. President, I stand in opposition to the measure. As I read the bill, it is defectively written.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2634 was adopted and S.B. No. 917, S.D. 2, 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, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2635 (S.B. No. 940, S.D. 2):

Senator Hanabusa moved that Stand. Com. Rep. No. 2635 be adopted and S.B. No. 940, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Baker rose with reservations and said:

“Mr. President, would you please note my reservations on this matter.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2635 was adopted and S.B. No. 940, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PATIENTS’ BILL OF RIGHTS AND RESPONSIBILITIES ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 2637 (S.B. No. 2332, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2637 was adopted and S.B. No. 2332, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” 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. 2640 (S.B. No. 918, S.D. 1):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2640 was adopted and S.B. No. 918, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT,” 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. 2641 (S.B. No. 3233, S.D. 2):

On motion by Senator Hanabusa, seconded by Senator Hee and carried, Stand. Com. Rep. No. 2641 was adopted and S.B. No. 3233, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PARENTING PLANS,” 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. 2973, S.D. 1:



Senator Kim moved that S.B. No. 2973, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hooser rose in opposition to the measure as follows:

“Mr. President, I rise in opposition.

“I’m somewhat reluctant in my opposition because I think the intent of the proponents of the bill is a positive one but I have serious reservations about the direction that this takes – the use of our agricultural lands. Being from an agricultural community from the neighbor islands, I’m a strong supporter of agriculture and our farmers. I’m afraid that by allowing or expanding or encouraging tourism on agricultural lands, we’re heading in the wrong direction.

“There is a process right now through the use of a special use permit that people can and do go through to allow visitor operations on their lands. Again, I’m concerned that there’s a slippery slope and that we’re actually going in the opposite direction. I would prefer to see us be more diligent in requiring that agricultural lands be used for agricultural purposes and that the consequences, the long-term consequences of this direction will in effect drive the price of agricultural lands up as more and more landowners, more and more farmers, even, find tourism more lucrative than farming.

“I would propose a thought that if we insisted that agricultural lands could only be used for farms, could only be used for farming, then the price of those lands would be much lower than they are today. By continuing down that track that we’re on, it’s a self-fulfilling prophecy that people can’t farm here. I think if you talk to the farmers on Kauai, talk to the farmers on the neighbor islands and the rural parts of this island, the serious farmers will tell you that they can farm but it’s a struggle.

“I think by encouraging tourism on agricultural lands, we’re heading down the wrong path, and so I will be voting ‘no’ on this measure.

“I’d like to comment also on one more thing – on the ability of the counties to enforce the rules. The Hawaii Farm Bureau and others have said they have serious concerns about the counties’ ability to enforce the rules. My experience in the past with the counties leads me to believe also that I do not want to trust this in the hands of the counties.

“So, for those reasons, I’m voting in opposition. Thank you.”

Senator Baker rose in support of the measure and said:

“Mr. President, I rise in support of this measure.

“Mr. President, I had the privilege for four years to serve as the county’s economic development coordinator and had an opportunity to work with farmers throughout our county. A number of them, yes indeed, are struggling, and this is one of the reasons that some of them have wanted to be able to sell their products to visitors who come to visit their farm.

“The other has to do with the fact that too many of our young people and even some adults think that food comes from Safeway or from Foodland or some other retail outlet. They have no concept of what it takes to produce a quart of milk, a bag of onions, some coleslaw, or even goat cheese.

“Mr. President, on Maui the farmers have gotten together to develop an agricultural tourism map to identify places and

farms that are open to visitors so that they can be enriched in their visit to our island as well as to understand what it takes to create products that we so often take for granted. I think this is an important aspect not only for the farmer’s bottom line but for us to show that we are more than just beautiful sand beaches and wonderful water, but that we have a rich heritage and agriculture is definitely part of that. Thank you, Mr. President.”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I rise to speak against this measure.

“Mr. President, colleagues, there’s a growing dependency on tourism that’s amounting to a very unhealthy economy and risk on the part of all the people of Hawaii. Quite frankly, I’m quite pleased that the good Senator from Kauai is announcing his opposition to it because I share his sentiments exactly. We are gradually moving towards an economy where even residential property, through the illegal use of bed and breakfasts and transient accommodations, is turning our neighborhoods into tourist destinations.

“This, in fact, would do just what the previous speaker said it would do – it would take a large portion of agricultural land in the future and turn it into a tourist destination.

“In speaking against this bill, I’d like to ask once again – Is there a carrying capacity for tourism in the Hawaiian Islands? I would say definitely yes that there is a finite number of tourists that we reasonably can accommodate in Hawaii before we reap diminishing returns to those of us who live here. This bill is a step in the wrong direction.

“I’d like to thank the good Senator from Kauai for pointing out these things so articulately and I join him in voting ‘no’ against this legislation.”

The motion was put by the Chair and carried, S.B. No. 2973, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Hogue, Hooser, Whalen).

S.B. No. 2929:

On motion by Senator Kokubun, seconded by Senator Hanabusa and carried, S.B. No. 2929, entitled: “A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2721:

Senator Sakamoto moved that S.B. No. 2721, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Slom rose in opposition as follows:

“Mr. President, I rise in opposition to this bill.

“This bill eliminates the requirement that the Superintendent of Education provide annual reports to the Board of Education detailing transactions that the Department of Education has taken. Those of us that served on the bipartisan Felix Investigating Committee know how difficult it was and we

talked to people from the DOE. The accounting people didn't talk to the budget people. The budget people didn't know what was going on with accounting. That was when we were required to have written reports.

"Now, if you take this responsibility away, not only does not the Board of Education get the report from the superintendent, but the traditional practice has been that these reports have gone also to the Governor and to the Legislature. Here we are spending most of our time in education and education financial related matters and we would not have the benefit of these reports.

"I think this is a very bad precedent and very bad bill. Thank you."

Senator Sakamoto rose to speak in support of the measure and said:

"Mr. President, I rise in support of the measure.

"Mr. President, I guess the intention isn't for reports not to come to the Legislature and the Governor, and we'll follow up to assure that we get sufficient information."

The motion was put by the Chair and carried, S.B. No. 2721, 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, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

S.B. No. 2139, S.D. 1:

Senator Baker moved that S.B. No. 2139, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition and said:

"Mr. President, I rise in opposition to this bill.

"I note that we're now very concerned about medically accurate sex information to be given to the schools. I wish we were only half or one-tenth as concerned about information about reading, writing, mathematics, social studies, geography, history, and some of the other topics which our students do so poorly in. They seem to do very well in sexual matters. Thank you."

The motion was put by the Chair and carried, S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2972, S.D. 1:

Senator English moved that S.B. No. 2972, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"The need for this legislation occurs because we're stuck in a 1950's mentality and trying to impose a 1950's solution in the 21st century. All sorts of problems result from the beverage

container law and tweaking it won't solve it. The best thing we can do is move toward a separation from the curb recycling program, which the city doesn't want to get into, really, because there are no longer any beverage containers to make the separation at curbside work.

"So, we keep coming and tweaking laws that we passed before that don't work, instead of repealing them and move toward a better solution. Thank you."

Senators Ige and Sakamoto 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. 2972, S.D. 1, 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, 22. Noes, 3 (Slom, Trimble, Whalen).

S.B. No. 2749, S.D. 1:

Senator English moved that S.B. No. 2749, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

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

"Mr. President, I stand in opposition to this measure.

"Mr. President, I do that with a full acknowledgement that I think the attention that was paid to this bill and the next bill, S.B. No. 2750, also dealing with essentially the same issue, were really conducted in a manner that attempted to bring a balance to the discussion. However, I need to express my opposition to these measures primarily because, as you will recall, last Session we passed S.C.R. No. 208 which asks the Farm Bureau and the Department of Agriculture to conduct meetings to determine coexistence amongst all of the various types of agricultural practices.

"Mr. President, they have submitted a report to us at the beginning of this Session. Essentially, what the report said was that they have scheduled a number of meetings including through July of this year. So I think there are earnest attempts being made to try to establish a level playing field, a solid base of information by which we can make decisions on potential affects and impacts that these genetically modified organisms would have here in Hawaii.

"I think that before we process any legislation and consider any legislation, we need to have that firm baseline of information. And for that reason, I'm asking my colleagues to consider the fact that we are still in the information gathering phase. We will have that information to us hopefully by this summer and preceding the next Legislative Session. Once we have that in place, I think we can make sounder decisions. Thank you, Mr. President."

Senator Inouye rose to speak against the measure and said:

"Mr. President, I rise against S.B. No. 2749, S.D. 1, as well as the following measure and I'd like to offer the following comments.

"Hawaii is no longer the isolated island chain that once was. Today, ships and airplanes arriving from around the world, unfortunately, bring new diseases and pests. It is not a question of *if* but *when* new diseases and pests will arrive.

“The Alomae-Bobone viral complex is found in the Solomon Islands today. It has wiped out 96 percent of the native taro varieties there. Imagine if that virus reaches Hawaii – what would it do to our native taro varieties? In Samoa, when the pathogen, *Phytophthora colocasiae*, finally reached their shores, it caused a 95 percent decrease in yields of their beloved, but susceptible taro varieties. In Hawaii, the leaf blight caused by *Phytophthora colocasiae* reached our islands during the 1910’s and caused losses of many traditional taro varieties. At one time, there were 343 named taro varieties in Hawaii and perhaps they were lost due to introduced diseases and pests.

“Genetic engineering for increased disease resistance is just one tool to improve sustainability of crop production. A five-year restriction prevents research that can help to maintain taro production in Hawaii as well as preserve the Hawaiian taro germplasm. Hawaii is at an all-time low in taro production – the lowest level since production data has been collected starting in 1946. Diseases such as pocket rot or *Phytophthora* leaf blight are two major causes of the decline in taro production.

“S.B. No. 2749, S.D. 1, emphasizes the potential negative effects of genetic engineering of crops. It institutionalized language that affects the public’s perceptions of the health and safety of existing commercialized genetically engineered crops, such as papaya.

“A moratorium would make taro, including the Hawaiian taro, and coffee extremely vulnerable to unpredictable invasions of plant pathogens and other pests. In the event that a catastrophic pest or disease attacks taro or coffee in Hawaii, a moratorium would be disastrous.

“I urge my colleagues to seriously consider caution in these measures. Thank you, Mr. President.”

Senator Hooser rose to speak in support of the measure and said:

“Mr. President, I rise in support of S.B. No. 2749.

“Mr. President and colleagues, this bill and the one that comes afterwards is not an anti-GMO bill. This is a pro-farmer bill. This bill came about because taro farmers came into my office and into other’s and asked for this bill. The testimony that came in on this bill was four hours or so, I would estimate, of testimony. Many, many taro farmers, many Hawaiians, many others in our community came in and testified in support of this bill. I do not believe there was one taro farmer at all who was opposed to this. The largest taro producers in the state support this bill

“It’s true, there was much opposing testimony also. The opposing testimony came from the industry and it would be expected that that’s where it would come from – the people who are vested and married to the science.

“This is taro farmers saying we don’t want the danger of growing GMO taro. We don’t want the danger of having our crops contaminated inadvertently by genetically modified taro that’s being grown in open-field testing. There’s no question that this does happen in some areas and other crops. There’s not cross contamination from one crop to another, but if you’re growing GMO corn, for example, and you have non-GMO corn or non-GMO papaya, there will be cross contamination. There is a very real risk to this. The taro farmers and many members of the Hawaiian community and others said we don’t want this; we don’t want this risk.

“The health department testified that they didn’t know that there was any risk. It said undeterminable in terms of health benefits. We did have I think it was the Maui public health director on his own behalf testifying in support of this bill.

“There’s a real market risk, a very real market risk, to niche markets like taro and like coffee, which is the next bill. There are many countries in Europe who do not allow the sale of GMO products or require labeling. There are many countries in Asia and Japan that do the same thing. There’s a very real risk to the farmers if their crops are contaminated inadvertently by the GMO crops.

“There are several companies here – Whole Foods, which is opening in Ward Center in 2008 – that are contacting papaya growers on Kauai. They’re saying we want non-GMO papayas. They’re the same folks who will want non-GMO taro and non-GMO coffee. Trader Joe’s is another well-known organization that will only sell non-GMO products.

“This is a pro-farmer bill and it does not stop research. The bill specifically allows the research that’s currently going on at the University of Hawaii to continue. But again, this is a pro-farmer bill and does not stop the research, and for those reasons and others, I encourage my colleagues to vote in support. Thank you.”

Senator Hee rose in support of the measure and said:

“Mr. President, I rise in support of the bill.

“Mr. President, there probably is a place for genetic engineering in Hawaii. Bunchy top is a problem that I frankly wish there could be an engineered solution. I don’t think taro is a crop that should be genetically modified for many reasons, not the least of which is its spiritualness to the native people. Taro is from Hāloa. We are from Hāloa, and that belief has not changed through generations.

“Hawaii has experienced a 20 percent loss in production. With the big rains that Hawaii has experienced, there’ll probably be a greater loss this year.

“One of the previous speakers is absolutely correct – pocket rot is a problem called loli loli. Guava seed is a problem. Leaf blight is a problem. And with the loss of taro and the consumption of taro as a food for youngsters who have allergies, it makes good arguments to genetically engineer a solution.

“The problem is we need to genetically engineer ourselves and get away from this idea that taro is for profit, because the farmers . . . one of the other speakers is absolutely correct that not a single taro farmer supports genetic engineering and they are the ones that experience the economic loss, not a single taro farmer. In fact, Ramon dela Pena, a noted expert in taro propagation and a member of the Board of Regents at the University of Hawaii, is opposed to genetically engineering taro. The Bun Long taro that is being genetically engineered has a flower. That is reason enough that engineering a solution can spread to the native taro.

“The taro farmers, interestingly enough, it appears, based on their testimony, do not see soil as a medium. They do not see soil as a segue to profit but see soil as the soul of taro. I am convinced, having had some skepticism before the hearing, that we should leave the taro alone, that we should reengineer our brains and give soil its soul as the native people did by composting the soil, by letting it rest. Taro is being fed by fertilizer and nothing more.

"This is a pro-native position. It's a pro-taro position, and I could not have been more moved by Chris Kobayashi from Hanalei or John Aana from Makaweli, two people who grow and mill taro for a living, to say leave the taro alone. Thank you, Mr. President."

Senator English rose to speak in support of the measure and stated:

"Mr. President, I rise in support of the measure.

"Mr. President, members, this measure and the one after this is really a compromise between a number of the parties and that is why we decided to move it forward.

"First and foremost is that it isn't a strict prohibition against any GMO testing. In fact, it says that GMO testing for one variety of taro will be allowed in secured facilities. Likewise with the next bill, we allow for it in secured facilities. But Mr. President, the compelling issue here and the compelling point here is that there's a spiritual connection to taro and the Hawaiians have a very strong belief to it. I will agree with the previous two speakers that all of the taro growers that came in from Kauai said that they do not want the taro modified. But there was one other kupuna that came in and sat before us and she said, 'I grew up eating poi and I eat poi every day, and I want to make sure that my poi is pure. I want to make sure that the taro that my poi is made from is pure.' It's the first time we're hearing from the consumer that they want purity in their food.

"So, members, I ask that you pass this measure because it is a compromise – it allows for the scientific research to continue in very limited circumstances in secure facilities for the non-Hawaiian variety of taro, and it allows for the protection of the sacred taros that the Hawaiian people hold dear. Thank you, Mr. President."

Senator Espero rose to speak against the measure and said:

"Mr. President, based on the testimony from Senators on the Big Island, I will be voting 'no.' Thank you."

Senators Kim, Nishihara and Fukunaga requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and S.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 13 (Baker, Espero, Hanabusa, Hemmings, Hogue, Ige, Inouye, Kokubun, Menor, Slom, Taniguchi, Trimble, Whalen). Excused, 1 (Ihara).

S.B. No. 2750, S.D. 1:

Senator English moved that S.B. No. 2750, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Kokubun rose and said:

"Mr. President, I just would like to reiterate my comments to the previous bill with respect to this measure. Thank you."

Senator Hooser rose and said:

"Likewise, Mr. President. Much of my previous comments I would like to just reiterate.

"But on this one also, there's a little bit of a difference. The Hawaii Coffee Growers Association, which is composed of coffee growers all over the state, agreed and supported the amended and compromised version that's before us now. Again, this version does not limit research as long as it does not include open field testing. Thank you."

Senator Inouye rose to speak against the measure and said:

"Mr. President, I'll be voting against the measure. I have remarks to be submitted into the Journal. Thank you."

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

"Mr. President, I rise against S.B. No. 2750, S.D. 1, genetically modified organisms and offer the following comments:

"Hawaii is no longer the isolated island chain that once was. Today, ships and airplanes arriving from around the world, unfortunately, bring new diseases and pests. It is not a question of *if* but *when* new diseases and pests will arrive.

"The Alomae-Bobone viral complex is found in the Solomon Islands today. It has wiped out 96 percent of the native taro varieties there. Imagine if that virus reaches Hawaii – what would it do to our native taro varieties?

"In Samoa, when the pathogen, *Phytophthora colocasiae*, finally reached their shores, it caused a 95 percent decrease in yields of their beloved, but susceptible taro varieties.

"In Hawaii, the leaf blight caused by *Phytophthora colocasiae* reached our islands during the 1910's and caused losses of many traditional taro varieties. At one time, there were 343 named taro varieties in Hawaii and perhaps they were lost due to introduced diseases and pests.

"Genetic engineering for increased disease resistance is just one tool to improve sustainability of crop production. A five-year restriction prevents research that can help to maintain taro production in Hawaii as well as preserve the Hawaiian taro germplasm.

"Hawaii is at an all-time low in taro production – the lowest level since production data has been collected starting in 1946. Diseases such as pocket rot or *Phytophthora* leaf blight are two major causes of the decline in taro production.

"S.B. No. 2749, S.D. 1, emphasizes the potential negative effects of genetic engineering of crops. It institutionalized language that affects the public's perceptions of the health and safety of existing commercialized genetically engineered crops, such as papaya.

"A moratorium would make taro, including the Hawaiian taro, and coffee extremely vulnerable to unpredictable invasions of plant pathogens and other pests. In the event that a catastrophic pest or disease attacks taro or coffee in Hawaii, a moratorium would be disastrous.

"I urge my colleagues to seriously consider caution in these measures. Thank you, Mr. President."

Senator English rose in support of the measure and said:

"Mr. President, I rise in support and I ask that my previous comments be inserted as though this was the bill. Thank you."

The Chair having so ordered, Senator English's comments read as follows:

"Mr. President, I rise in support of the measure.

"Mr. President, members, this measure is really a compromise between a number of the parties and that is why we decided to move it forward.

"First and foremost is that it isn't a strict prohibition against any GMO testing. In fact, it says that GMO testing for one variety of taro will be allowed in secured facilities. Likewise with the next bill, we allow for it in secured facilities. But Mr. President, the compelling issue here and the compelling point here is that there's a spiritual connection to taro and the Hawaiians have a very strong belief to it. I will agree with the previous two speakers that all of the taro growers that came in from Kauai said that they do not want the taro modified. But there was one other kupuna that came in and sat before us and she said, 'I grew up eating poi and I eat poi every day, and I want to make sure that my poi is pure. I want to make sure that the taro that my poi is made from is pure.' It's the first time we're hearing from the consumer that they want purity in their food.

"So, members, I ask that you pass this measure because it is a compromise – it allows for the scientific research to continue in very limited circumstances in secure facilities for the non-Hawaiian variety of taro, and it allows for the protection of the sacred taros that the Hawaiian people hold dear. Thank you, Mr. President."

The motion was put by the Chair and S.B. No. 2750, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," having been read throughout, failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 11. Noes, 13 (Baker, Espero, Hanabusa, Hemmings, Hogue, Ige, Inouye, Kokubun, Menor, Slom, Taniguchi, Trimble, Whalen). Excused, 1 (Ihara).

S.B. No. 3218, S.D. 1:

Senator Chun Oakland moved that S.B. No. 3218, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ihara.

Senator Whalen rose in opposition to the measure as follows:

"Mr. President, I rise in opposition.

"I find it deeply troubling that we are setting up, again, different classifications based on race. I don't think it holds true to our community, to Hawaii as a whole, and even our history as a nation. I'm referring to Hawaii as a country as always being accepting and open.

"Here we simply say if you're part or Native Hawaiian, we're going to give exclusive jurisdiction of this child to this agency or commission. It could be Chinese, Japanese; it doesn't matter. Your parents lived here for generations. You could live just as a Native Hawaiian and follow all the traditions and everything else, but you don't get to go there. You're not under that jurisdiction. You have to go somewhere else, but if you're Native Hawaiian, you can. As a matter of fact, you have exclusive jurisdiction.

"Removing them from the family court system, I don't know why. I've worked in the family courts. There are different programs. I have seen kids that are brought up, especially out

in the very rural parts of my island, that they have put them in programs that focus more on the Native Hawaiian culture and value system and whatnot. But it still goes through the family court system, so there's accountability and tracking and whatever else.

"But here to say simply if you're of a certain race, you get to go here, and if you're not, you're in this other system, I just see it fraught with legal problems if someone decides to take it that way."

Senator Chun Oakland rose to speak in support of the measure and said:

"Mr. President, I stand in support of this measure.

"I just wanted to clarify that this pilot program that is proposed over the next year is something that the Na Kupuna Tribunal had proposed to the Legislature. It is a tribunal that has existed for many decades, and what they offer is a different way of helping children in child welfare.

"When I spoke with Maile Hallum, who is one of the kupuna that is advocating for this, I asked the question if children other than Native Hawaiian children could participate in this process, and she said, certainly. So, it is not limited to Hawaiian children. Thank you."

Senator Whalen rose again and said:

"Mr. President, I just want to clarify something.

"I'm not saying that . . . it says exclusive jurisdiction. So if you have a Native Hawaiian child who doesn't want to go to this thing, under this pilot program they'd still have to go to it because they have exclusive. And for those of you who might not know what that means, if you have exclusive jurisdiction, that means no one else has any authority over it except for you. And so, that is what's bothering me about this bill and the comments didn't address that whatsoever."

Senator Chun Oakland rose again to speak in support of the measure as follows:

"Mr. President, I'm standing in support again.

"My understanding is that this would not be something that would be forced. It is voluntary. So if there is, in fact, anything in there that specifies that, that is not the intent of the proponents of this measure. Thank you."

The motion was put by the Chair and carried, S.B. No. 3218, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACEMENT OF HARMED CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen).

S.B. No. 2095, S.D. 1:

Senator Menor moved that S.B. No. 2095, 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:

"Mr. President, I stand in opposition to this measure.

"The insurance commissioner testified that this bill is premature. Thank you."

The motion was put by the Chair and carried, S.B. No. 2095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Slom, Trimble).

S.B. No. 2635, S.D. 1:

Senator Kokubun moved that S.B. No. 2635, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Espero rose in opposition as follows:

"Mr. President, I rise in opposition to this measure.

"S.B. No. 2635 was amended by adding language from S.B. No. 3091, a bill which did not reach Third Reading. S.B. No. 3091 was a joint referral to BED/WLA and as the lead, I amended S.B. No. 3091 due to objections and comments from the Department of Land and Natural Resources, the City and County of Honolulu, the Department of Planning and Permitting, Land Use Research Foundation, and Alston, Hunt, Floyd and Ing Law Firm. Yes, there were many testimonies in support of S.B. No. 3091, but I felt the objections were reasonable and valid.

"Unfortunately, S.B. No. 3091, S.D. 1, did not make it to Third Reading. However, some language from the measure was inserted into the current bill we are debating, S.B. No. 2635, S.D. 1, thus my opposition to the bill. For me, S.B. No. 2635, S.D. 1, is very vague and broad and lacks specific details to make the bill workable.

"The City and County of Honolulu, Department of Planning and Permitting, wrote, quote, 'The DPP opposed a section to S.B. No. 3091 because it is unnecessary. It requires assurances that public access to the shoreline of inland recreational areas via right of way be required prior to issuance or renewal of unspecified permits or prior to approval of subdivision or a zoning initiative. Our subdivision and special management area ordinances already require such access. Chapter 22, Article 6, of the Revised Ordinances of Honolulu require that in cases where adequate public access is not already provided, that public access be provided to the land below the shoreline or to the mountains where there are existing facilities for recreational purposes for subdivisions involving six or more lots and multi-family developments. Chapter 25, ROH, special management area states that development within the special management area requires a special management permit,' end of quote.

"The Department of Land and Natural Resources wrote, quote, 'The bill as now drafted is very broad and may have unintended consequences on small landowners or small parcels of public land. The bill currently requires that an agency involved in the permitting process insure that public access is available before issuing a permit for any development project. Development needs to be defined. Does that include building of a single-family home or putting a structure on any conservation district land? Is there a lower size limit that this should not apply to? Does it apply to any land no matter how small? Finally, what is the relationship to a regional access issue? Does it require the agency to insure public access if the parcel under permitting consideration is just one small piece of 10 or 20 that would also be needed for access to a remote piece of recreational land even though the other required pieces may block that access and may not come up for permitting

consideration ever? Finally, once a public easement or right of way is established, who will have the responsibility to maintain it,' end of quote.

"Alston, Hunt Law Firm stated, 'The bill states that agencies shall ensure that a public right of way is available for public use. However, the bill did not explain the scope, purpose, or effect of this review. It seems to prescribe a useless act of uncertain cost and benefit. There is not a standard by which a "public right of way" should be reviewed or granted and the bill does not address the effect, if any, if there is a right of way on the land or there is no right of way on the land at issue. Furthermore, the bill is problematic in that it is not prospective, nor does it consider the landowner's interest and intent whether to grant a public right of way across his or her property.'

"Mr. President, I support public access. It is an extremely important matter which deserves discussion. However, I cannot support this measure as currently drafted. Thank you."

Senator Hooser rose in support of the measure and said:

"Mr. President, I rise in support of S.B. No. 2635.

"Mr. President, from where I sit, this is mom and apple pie. The area that I live in, the area that I represent, the area that I spend my time in is a rural community and public access is something that is very, very, very important and something that is lost forever, in many cases, on a regular basis. People often will go to the beach and all of a sudden they can't go there anymore because the access is blocked. They want to go hiking, all of a sudden someone has built a huge mansion blocking the path.

"Over and over again, we're losing our public access. We're losing our trails. We're losing the public's right to access public resources. If you're a developer, or developer's attorney, or you work for a developer, or you make money from development, then perhaps you wouldn't support this bill.

"This bill is mom and apple pie, and Mr. President and colleagues, this bill does nothing more than give the counties a tool in which to enforce existing law. Existing law says public access has to be provided. This bill merely says that prior to granting or renewing a permit, or approving a development project, subdivision project, or zoning initiative that may affect public access to the sea, the shoreline, or any coastal or inland public recreational area, an agency shall ensure that a public right of way is available for the general public to use to access a public beach or park, trail, or public recreational area.

"I think the public deserves nothing less than this, Mr. President, and I encourage my colleagues to support this bill by voting 'yes.'"

Senator Hogue rose in support of the measure as follows:

"Mr. President, please note that I love my mom and I love apple pie and so I will support this bill. Thank you."

The motion was put by the Chair and carried, S.B. No. 2635, S.D. 1, 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, 20. Noes, 4 (Espero, Inouye, Menor, Trimble). Excused, 1 (Whalen).

S.B. No. 2004, S.D. 1:

Senator Kokubun moved that S.B. No. 2004, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I rise in opposition to this bill.

“This bill that refers to Ahu o Laka or the Kaneohe sandbar has been such a popular place for so many years, and I note that the committee report makes mention of newspaper and media accounts, which would seem to describe a place of anarchy and violence and all of that. Those of us that have been to the sandbar on occasion have found it to be just exactly the opposite – a place where families, particularly local families and military families can go and gather.

“I must admit, I know I’ve only lived here now for 50 years or more, but I have never heard – never heard – until a couple months ago, this area referred to as a sacred spot and a culturally sensitive spot. Now, you could say I’m out of touch or maybe I didn’t hear anything, but this same news media that has been reporting all of the alleged violence and all of the rowdiness and everything else never reported that either. So, maybe I can be enlightened on how all of a sudden we found this to be a sacred spot and why we want to take steps right now to take yet another family activity away from the overburdened, overtaxed residents of Hawaii.

“I urge a ‘no’ vote on this bill. Thank you.”

Senator Kokubun rose to support the measure and said:

“Mr. President, I rise in support of this measure.

“While I can appreciate the fact that I also grew up on this island and did not have the historic knowledge about the significance of this particular site, it was through this hearing process that much of this information came to light. I would in particular point to the testimony from Kawaikapuokalani Hewett, Kumu Hewett, who provided us with a genealogical line back 47 generations to this particular Chief for whom this is a sacred site. There were also numerous testimonies from the DLNR, from the historic preservation division, and members of the public confirming that in fact this is a site of great significance to the Native Hawaiian culture.

“Mr. President, not only that, which I think is enough, in my mind, to justify naming this as a monument, but the fact that the DOCARE (Division of Conservation and Resources Enforcement) officers came forward and talked about the types of gatherings that were occurring, not all the time, but that they did occur where thousands of people would be gathered for these so-called concerts with no sanitation facilities, lots of alcohol being consumed and the fact that fights were breaking out, with again, no sanitation facilities. Mr. President, this was just really shocking to me that this could be happening at an area which many consider to be very, very significant.

“The other part of the measure that I think is very important to keep in mind is that this does not bar anyone from going to that site. In fact, the amended version of this bill only looks at those large gatherings. It was never intended to deny anyone the right to access that area.

“But I think given all the testimony from various kupuna who were there at the hearing, it was one of the most enlightening hearings that I’ve been to. I would comment to all my colleagues here that I think this is a bill that’s worthy for passage and for further discussion. Thank you, Mr. President.”

Senator Hee rose in support and stated:

“Mr. President, I rise in support of the measure.

“I point out that the compiled surveys of G.E.G. Jackson, dated 1882, reduction of Jackson’s Koolau Bay, Oahu, by F.W. Thurm traced from regular map 1848, A.S. Chaney, January 1916, marks Ahu o Laka in Kaneohe Bay next to Moku o Loe and Mokolii and Kapapa Island. I guess this is one of those areas that we seem to have caught up with, but Hawaiians knew from Laka, the man, to Hikawaolena, the wife, to Luanuu, the man, and 47 generations later to Kawaikapuokalani Koko`omaiolaonalaninuiamamao Hewett, as a result of abuse of this place . . .

“It was a blast. By word of mouth, 700 to 1,000 people gathered at Kaneohe sandbar this past Labor Day weekend for some fun in the sun. It was a bring your own booze event with people bringing coolers packed with grinds and drinks. Some even brought picnic tables and barbecue grills, even pets. There were 40 people who got into a fight and this event was absent of adequate security and sanitation facilities.

“It’s another abuse that requires genetic engineering of our brains, so I urge those to support the measure. Thank you.”

Senator English rose to speak in support of the measure and said:

“Mr. President, I rise in support.

“Members, I ask that you support this measure because there’s a lot underlying it. The first thing is that there’s a recognition that there are sacred places in Hawaii and just because one didn’t know that it was sacred or one had no idea, it does not diminish the fact that it is sacred. In fact, the Hawaiian point of view of land is that it’s all sacred.

“The piece of land that you live on, if you go back far enough, will have a name, and you can probably find that name. You may have to go back to what’s called the native registry or the foreign testimony, but every little piece of land had a name and the name tells us the story.

“In this particular case, Ahu o Laka, there’s another name associated with it, which is Ahua a Laka. It’s a little bit different and it might mean the whole island, it might mean something different, but there are two names associated with this place. For those who speak the language and understand the significance, when you hear the name you know that it is a significant place.

“The hearing was remarkable, as was noted earlier, in that Kumu Frank Hewett was able to come in and give the genealogy of Laka, whose name this place is named for, all the way down to the present generations. Hawaiian’s still have that connection to various pieces of land in the state.

“So, I ask that we support this measure, move it forward, and I really appreciate the underlying discussion on this. It brings us back to the realization that from the Hawaiian standpoint, all land is sacred. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2004, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hogue, Slom). Excused, 1 (Taniguchi).

S.B. No. 2501, S.D. 1:

Senator Kokubun moved that S.B. No. 2501, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Hemmings rose to speak in support of the measure and stated:

“Mr. President, I rise to speak in favor of this legislation to protect fishing grounds at Haena on the Island of Kauai.

“Mr. President, in speaking in favor of it, I do want to bring to the Floor the recognition that we do have user conflicts statewide. Last year we addressed the issue of commercial charter boats going down the Waianae Coast and interfering with the lifestyle, the fishing, and the recreation of the residents of that particular area. I’d like to say once again that it’s time this Legislature stand up to recognize the necessity for this bill – that the entire State of Hawaii does have to ascribe to the ancient Hawaiian practice of the ahupua`a system. The Hawaiians quite wisely recognize the farthest reaches of the sea as part of their contiguous environment in which they lived and played, and hence they regulated it accordingly.

“We do a very good job, or we try to do a good job recognizing land use and zoning it accordingly. The time has come for us to start looking at the ocean and recognizing those resources, especially the near shore resources, as this bill does. We need ocean zoning. We need to examine carrying capacities at different ocean areas. We need to regulate user conflicts, especially between commercial and conservation and local recreational uses.

“For all of these reasons and many more besides voting in favor of this bill, I’d urge this Legislature to look ahead to the future and start mandating that we regulate and zone our ocean resources to the benefit of future generations. Thank you, Mr. President.”

Senator Hooser rose in support of the measure and said:

“Mr. President, I rise in support with just brief remarks.

“I want to thank the Minority Leader for his remarks. That’s two in one day. We’re starting a new trend here, so thank you.

“I just want to say it’s not just about regulating. This is about community. Those of you that take the time to look into this bill will see that it’s a community based process and it focuses on the people that live in that district and live in that area and takes into consideration the needs of the community. That’s what makes this different from, I think, most other attempts at regulating activities in our state.

“So, with that, I encourage my colleagues to vote in support.”

The motion was put by the Chair and carried, S.B. No. 2501, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FISHING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:41 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:55 o’clock p.m.

S.B. No. 2298, S.D. 1:

Senator Menor moved that S.B. No. 2298, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Slom rose in opposition as follows:

“Mr. President, I rise in opposition to this bill.

“While I have supported legislation against unlicensed contractors in the past, this bill is going much too far. It’s very draconian in nature for unlicensed plumbers and electricians. The fines alone are \$1,000 a day for every day. I noticed that they add people that are aiding and abetting and this could open up a lot of people to prosecution who are unknowing of what has happened or what’s transpired. The bottom line on all of this is there really is not a problem unless somebody gets work that is not properly done, and unfortunately, we’ve seen work that’s improperly done by licensed plumbers and licensed electricians.

“So, the fact that the fines are so stiff, I think the aiding or abetting is very vague but very broad, and the fact that they even want to turn off the phone service for these individuals I think goes far beyond the legislation that we’ve all supported in the past for unlicensed contractors. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2298, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Hee, Ihara).

S.B. No. 2774, S.D. 2:

On motion by Senator Menor, seconded by Senator Kokubun and carried, S.B. No. 2774, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Hee, Ihara).

S.B. No. 2917:

Senator Menor moved that S.B. No. 2917, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Menor rose to speak in support and said:

“Mr. President, I rise in strong support of this particular measure.

“As one of the authors of health insurance rate regulation, I believe that the reasons that justify the adoption of legislation in this area in the first place remain valid and provide us with more than sufficient reason to allow the law to remain in effect.

“As the insurance commissioner has agreed, rate oversight insures that excessive profits are not earned in a market that lacks competition and is essentially dominated by two health insurance carriers. Rate regulation also prevents the dominant health insurance plans from engaging in predatory pricing practices by temporarily setting premiums too low to drive out competition and gain market share. Furthermore, rate oversight provides for a process to which the insurance commissioner can fulfill a watchdog rule for the public, reviewing detailed financial information and properly evaluating rates taxed for



which consumers do not have the time or resources to conduct for themselves.

“Finally, as supporters of the original law predicted, rate regulation has generated millions of dollars of savings for businesses thanks to cases in which the insurance commissioner has reduced or modified rate filings. Health insurance rate regulation has clearly provided definite benefits to consumers and businesses and deserves to be made permanent.

“I also urge the members of the House Leadership team, who in the past have been too willing to bottle up pro-consumer legislation that HMSA opposes, to give this measure a full and fair hearing and to enact it into law. I respectfully urge my colleagues to vote in favor of S.B. No. 2917. Thank you.”

Senator Trimble rose to speak in opposition as follows:

“Mr. President, I rise in opposition to this measure. I was going to let it go, but I was so moved by the previous speaker.

“If we look at the history of regulating business, the period of time when it is most effective, if it is effective at all, is at the beginning. After we regulate an industry for so many years, the industry adapts to this regulation and winds up influencing, motivating or otherwise regulating the regulators.

“So, while I will admit there were consumer benefits, that was the past and it is no reason to let this law continue indefinitely. Thank you.”

Senator Slom rose in opposition and said:

“Mr. President, I rise in opposition to this bill.

“As someone who is a ratepayer as a small business owner, someone who has negotiated health insurance rates for three decades now, I have to tell you quite honestly I do not see any benefits that we’ve had over the last couple years in this rate regulation. Rates have continued to increase. They’ve increased again more heavily for those in small businesses than others. To me the real problem here is lack of incentives for people entering the market.

“While the good Senator from Mililani, the godfather of gas cap regulation as well as healthcare regulation, would have us believe that this is working well and we have taken care of the big bad monster – let’s all say the name, HMSA – the fact of the matter is that we do things in our state to provide disincentives for people that want to enter the market.

“Now, we’ve had one new insurer who’s entered the market since this legislation was passed, and that’s Summerlin Health and Life Insurance. They would have entered the market a lot sooner, they would have made their rates a lot lower, they would have helped more consumers if we had done what we debated several years ago, and that was the exemption of the 4 percent general excise tax on healthcare providers. But we didn’t, and so they’re still paying the 4 percent. They are a for-profit company. They’re paying 4 percent – HMSA and Kaiser are not.

“If we really wanted more competition, if we really wanted more companies to enter this market, that’s what we would do – we would not send a message to the investment community, the healthcare community, and everyone else that, hey, come to Hawaii; we will regulate your business.

“We are the laughing stock of the nation on the gas caps no matter what the good Senator says. It is failing. I noticed that he was making a congressional speech here to his House

Democratic colleagues. I guess they haven’t gotten the message because they want to repeal that.

“This also is not good legislation. It is not consumer oriented, does not help businesses, has not stopped rate increases, has not increased competition! So all in all, it is zero, zero, zero, zero. What we have to do in this state is have a hospitable business and investment climate, not a hostile one where certain individuals in this State Legislature continue to provide us with control measures. Thank you, Mr. President.”

Senator Baker rose in support of the measure and stated:

“Mr. President, I rise in support of this measure.

“I’d just like to call the previous speaker’s attention to the committee report that accompanied this bill. Testimony in support of this measure was submitted by the State Insurance Commissioner, the Department of Commerce and Consumer Affairs, some labor organizations, some business organizations, Summerlin Life and Health Insurance, and some citizens. But the important part is that since the filings began, the insurance commissioner has made reductions to six different rate filings, saving Hawaii consumers at least \$18 million.

“The important thing about health insurance and the cost of healthcare is that unfortunately it’s going to continue to rise, but if you look at what’s happened in Hawaii’s market since rate regulation began, we’ve actually tracked lower than many places on the mainland. Part of it is our population size, part of it is managed care, but part of it has to do with rate regulation. Given the fact that this administration supported it as well as a number of other individuals who wouldn’t necessarily come to the table on this matter, and we have seen savings to consumers, I think this is a pro-consumer bill and I urge my colleagues to support it. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2917, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (Ihara).

S.B. No. 2413, S.D. 1:

Senator Menor moved that S.B. No. 2413, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senators Baker, Espero, Ige, Sakamoto and Kim 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. 2413, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERMIT APPROVALS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Ihara).

S.B. No. 2916, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2916, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTRACTORS,” 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).

S.B. No. 2406, S.D. 1:

Senator Menor moved that S.B. No. 2406, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

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. 2406, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Ihara).

S.B. No. 2091, S.D. 1:

Senator Menor moved that S.B. No. 2091, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Trimble rose in opposition to the measure and stated:

"Mr. President, I rise in opposition to this measure.

"Two things, colleagues – first one, there's another measure going before us today that provides that if you are in foster care your biological parents can be required to pay for automobile insurance if so opined by the state. So, if we allow, in a normal family setting, a child to be removed from the insurance rolls, then we might find one of the unintended consequences similar to what has occurred in Bermuda where people leave their home at the earliest possible age simply so that they can drive a vehicle.

"The second reason that I suggest we look at it carefully is that we would like to have as many people as possible that are insured. It is within some degree of likelihood that the person that is removed from the role of insurance in the family will take that vehicle out and drive it anyway.

"So, two reasons why you should vote 'no' on this measure. Thank you."

The motion was put by the Chair and carried, S.B. No. 2091, 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, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Ihara).

S.B. No. 2913, S.D. 1:

Senator Menor moved that S.B. No. 2913, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Slom rose to speak against the measure and said:

"Mr. President, I'm voting 'no' on this bill.

"All the people that testified, testified against this bill except really the bill's sponsors, and that is the IBEW, the International

Brotherhood of Electrical Workers. What this bill does is to increase their membership and their dues by requiring the majority of craftsmen on any project be members of the IBEW and be licensed.

"I'm voting 'no.' Thank you."

The motion was put by the Chair and carried, S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," 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).

S.B. No. 2300, S.D. 1:

On motion by Senator Menor, seconded by Senator Baker and carried, S.B. No. 2300, 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, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Ihara).

S.B. No. 3066, S.D. 1:

Senator Menor moved that S.B. No. 3066, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Hooser rose in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"Mr. President, I believe we had a similar bill last year that died somewhere along the way, and this bill is a bill for an act relating to interest and usury, S.B. No. 3066, which purports to level the playing field for local lending institutions who generate credit cards and give them the same opportunity as credit card companies in Delaware and other places on the mainland to charge, in my opinion, outrageous and often obscene rates of interest. I would see this as a bill that is bad for consumers and good for credit card companies and banks.

"The committee report says it finds that current Hawaii law places Hawaii-based credit card insurers at a pricing disadvantage. I would suggest rewording that to say that the current Hawaii law places consumers at a pricing advantage because it does not allow local credit card companies to charge the kind of rates that are charged elsewhere. If this bill passes, then that protection will be removed.

"It also removes a provision in the present law that requires the annual percentage rate to be stated and instead says they don't have to do the annual percentage rate. They simply have to do the simple percentage rate and list the fees along with it. I believe that consumer protection requires or should require when at all possible and as often as possible that the annual percentage rate be listed so consumers know the true impacts of the credit that they are undertaking.

"I believe credit card companies make lots and lots of money and it's not our responsibility to ensure that they make even more money. With nearly 1.4 billion credit cards in circulation, US credit card use is larger than the rest of the world combined.

"This bill will lead to increased bank profits and increased personal debt. Seventy percent of American families last year said they're carrying so much debt that it makes their family

lives unhappy. I do not believe credit cards are an inherently healthy financial instrument and I'm unable to support this bill, which I believe is not in the best interest of Hawaii consumers. Thank you."

Senator Menor rose in favor of the measure and said:

"Mr. President, I rise to speak in favor of this measure.

"Mr. President, I'm very sensitive and mindful of the concerns that were raised by the Senator from Kauai, however, I'd like to point out that I think that unlike last year when the Senate decided to recommit this bill, I think that there are persuasive arguments that can be raised in favor of keeping this bill alive for further consideration this Session. I would note that last Session the Department of Commerce and Consumer Affairs took no position on this issue. However, when the CPH Committee heard this bill, DCCA testified in support.

"In their testimony, I think they provide some very persuasive reasons why we should keep this measure alive, and with the indulgence of my colleagues on the Floor, I wanted to read relevant excerpts or portions of their testimony for your consideration. This testimony was submitted by Nick Griffin, commissioner of financial institutions, and in his testimony he says, 'The bill's proponent's concern that local credit card issuers who export their credit card related jobs to other jurisdictions appears to be historically and factually based. For example, in 1980, New York City Bank credit card business was squeezed between New York State usury law limits which were significantly lower than the double digit cost of prevailing funding rates. City Bank's credit card line of business, which employed 3,000 people in New York, was losing millions.

"Earlier US Supreme Court decisions allowed credit card issuers to export the rates and charges allowed in their home state to other states without needing any consent from those other states. City Bank could charge whatever level of rates and fees they felt appropriate in order to cover their costs and provide a margin of profit provided they found a new receptive home state. City Bank therefore moved its entire credit card business and its 3,000 jobs from New York to South Dakota, which it recently eliminated its usury laws in a bid to attract credit card issuers and used these changes to implement higher interest and fees on its credit cards, moving that line to profitability. Other states such as Delaware also quickly passed similar usury repeal legislation and created another niche – home state for credit card issuance and operations businesses which have attracted thousands of jobs.

"The current Hawaii statutes governing the level of credit card interest and fees placed Hawaii-based card issuers at a pricing disadvantage relative to other issuers in locations such as South Dakota and Delaware. S.B. No. 3066 appears to address that card issuer pricing disadvantage by providing Hawaii card issuers with the ability to charge interest and fees comparable to the more favorably located credit card issuers."

"I find this testimony to be persuasive, and accordingly I ask my colleagues to vote in favor of this bill. Thank you."

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure. I was going to let this go except for the remarks of the previous speaker.

"We live in a world that is becoming increasingly global. And to raise the argument that somehow if we don't do away with our usury laws, jobs will be lost, is wrong. The truth of the matter is that backroom operations have already left Hawaii.

Backroom operations no longer occur in most of the United States because they've moved to the Philippines, to India, and to China.

"And so, to bring up this argument really does insult our intelligence. Thank you."

The motion was put by the Chair and carried, S.B. No. 3066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (English, Hooser, Trimble). Excused, 1 (Ihara).

S.B. No. 2911, S.D. 1:

Senator Menor moved that S.B. No. 2911, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition and said:

"Mr. President, I rise in opposition to this bill.

"Holy cowbells! How long, how much are we going to burden Hawaii's taxpayers with the gas cap? I know it's one man's dream, one man's fantasy, one man's delusion, but hey, come on, this act is so flawed already. And now we have this bill, which is going to make it so difficult and so complicated, nobody could figure out what the price would be except that we all know the price will continue to go up under the gas caps. The DBEDT study showed that since last year, people have paid on average \$65 per person more because of the gas caps. We're going to see more gas cap price increases.

"This bill, this bill is a Rube Goldberg bill. We're talking about new zones. We're talking about adding Singapore. We're talking about commanding the PUC, in the case of holidays, to take the previous four-day week when there was no holiday and average that into the next week. We've got all kinds of facts and figures in here except the number one fact and figure – the gas cap is a FAILURE! The gas cap is anti-consumer!

"I find it amazing, first of all, that I kept seated during the last bill, but secondly, that the Chair was arguing for higher interest rates, higher credit card costs, higher fees, as a stabilizing factor, but we've got to go after those miserable gas companies and petroleum companies. Gee, I hope they would never think of moving any of their facilities or any of their people out of state because of meddling by the Legislature, because of interference by people that have never worked in that industry, by people that sit here and tell other people how to run their business, and in the process, hurt the very consumers they say they're going to help. No one wants this gas cap because it doesn't work! No one has followed this gas cap anywhere in the country because it doesn't work! Our consumers have not saved money! No one has been better off.

"So now, we have our Chairman saying he won't even hear those bills coming over from the House. Well, I guess that will guarantee he won't be going to Washington so we can stay here and debate this for another couple of years. But this bill is bad. It doesn't solve the problem. If anything, it makes it worse.

"Businesses and investment advisors and people that want to look at Hawaii as a serious business climate do not want to see legislation like this, do not want to see us interfering with businesses that are lawfully conducting their business. We've

tried ten years in the courts to try to pin the tail on Chevron without success. So we can't do it in the courts, we try to do it in the Legislature.

"In this case, as I say, the only victims are the consumers. This is the most anti-consumer of legislation we can have. I urge you not to continue supporting this. Wait until the bills come over from the House and demand that we have transparency and public hearings and eliminate this gas cap. Stop the madness."

Senator Menor rose in favor of the measure as follows:

"Mr. President, I rise to speak in obvious support of this particular measure.

"Alright, we've heard the rhetoric. My colleague from across the aisle who opposes this bill is once again engaging in the kind of rhetoric that the oil companies and the administration continue to parrot instead of contributing to a thoughtful and productive discussion of the issues. The underlying assumption of the previous speaker's argument against this particular bill is that we have a free market, which goes totally contrary to the findings of study after study about the petroleum industry which has repeatedly shown that no free market exists for gasoline in Hawaii, only an uncompetitive oligopoly.

"Now, these champions of the oil companies are the same individuals who made dire predictions before the implementation of our pricing law that our law would lead to serious gas shortages, severe supply disruptions, refinery and gas station closures, and would never result in price decreases. These predictions, of course, have failed to materialize. They would have us believe, as the previous speaker has tried to argue, that our gas pricing law is a total failure and that consumers would be better off without gas pricing regulation. However, a careful, thoughtful, and deliberative analysis of pricing data, Mr. President, would indicate otherwise.

"Although gas prices in Hawaii remain high, the fact is that our gas pricing regulation, while not perfect, has benefited consumers by improving our market in two key areas. First, it's clear gas prices would be higher than they are now if we did not have gas pricing regulation. And second, at long last, Hawaii's market is behaving or reacting more like competitive markets on the mainland, which means that prices in Hawaii don't only go up and stay high like they used to, but they also come down when mainland prices fall, something that rarely occurred before pricing regulation took effect. And when prices come down, Mr. President, consumers save money.

"Now, to illustrate the first point, I'd like to refer to this chart. This is a chart that contains AAA figures showing the typical pattern Hawaii gasoline prices followed in previous years in contrast to mainland markets. As you can see, Mr. President, along with my fellow colleagues, Hawaii prices remained high with little fluctuation – that's the top line that you see – even during those periods when market forces were pushing prices on the mainland down.

"Since the implementation of our gas pricing law, Hawaii prices now tracked mainland price decreases. In making these points, I'm relying on the data and analysis of Mr. Tim Hamilton, an independent nationally recognized petroleum industry analyst. According to Mr. Hamilton, looking at the data, the average pump price for conventional regular unleaded gasoline in the US fell approximate 81 cents per gallon by February 24, 2006, or 26 percent from the Katrina high mark last October. In the same time period, regular unleaded

gasoline in Honolulu fell by 92 cents, about the same 26 percent reduction we saw on the mainland.

"Moreover, according to Mr. Hamilton, the effectiveness of our gas pricing law can be seen and clearly shown by comparing the price of unregulated diesel fuel in Hawaii with the price of diesel fuel on the mainland. And when you look at the data, it is quite compelling and persuasive. The price of diesel on the mainland fell nearly 69 cents per gallon or 21 percent, but in Hawaii, the unregulated diesel fuel only fell 18 cents or 5 percent while the gasoline prices regulated by the price regulation fell by the same percentage as gasoline on the mainland, or about 26 percent.

"Now, if gasoline prices in Hawaii had not been regulated by our gas pricing law, as some of my colleagues from across the aisle would want it to be, and behaved in the same fashion as an unregulated diesel fuel in Hawaii, which fell a mere 5 percent, motorists in Honolulu would have paid \$3.40 per gallon or 73 cents more for regular unleaded gasoline on February 24 instead of the \$2.67 reported by AAA. I believe that this sort of analysis is valid and appropriate, given the fact that again when you look at the historical pricing data, the problem that we've had with Hawaii's market is that Hawaii prices have always increased or remained at their highest levels whenever mainland prices increased or spiked but rarely ever decreased when mainland prices fell. And this is what our gas pricing regulation is impacting. Now, this explains why the Honolulu Star Bulletin in its editorial entitled 'Unrestricted diesel prices show gas cap works,' this explains why they came out with that editorial. And while I don't always agree with my friends or the representatives of the media, I think that with respect to this particular issue, that they are right on the mark.

"It should also be noted that the Majority Leader of the House, which is now apparently reversing course and seeking to repeal our gas pricing law, released his own study on January 11<sup>th</sup> of this year which stated that driver's have saved \$33 million thanks to our gas pricing regulation. Furthermore, in an August 29, 2005 Star Bulletin article, the Chair of the House Energy Committee, which has jurisdiction over this issue, was quoted as saying that a system of transparency is insufficient without the hammer of pricing regulation that requires oil companies to lower prices.

"Mr. President, I wholeheartedly agree with the earlier sentiments of the House Majority Leader and the House Energy Chair, and in this regard, I believe the House members will be well advised to review their Majority Leader's study as well as the House Energy Committee Chair's previous comments before taking final action on this issue.

"So, my fellow colleagues, I believe that the pricing data strongly supports the contention that our gas pricing law has been working as intended, keeping Hawaii's gas prices from going even higher than they would be without the law.

"Now, let me just address one criticism that has been made, and I'm sure you're going to be hearing that criticism from other speakers from across the aisle if they decide to speak on this issue, and that one criticism is that our gas pricing law is allowing the oil companies to charge higher prices than they would without the law. Mr. President, not only is this refuted by pricing data, but it really defies common sense and logic. If those critics allege the oil companies are better off now with our gas pricing law, then how can you explain the relentless vehement opposition to the law since we all know that their sole purpose is to maximize profits. The reason why they have been fighting tooth and nail to kill this law is because they know and recognize that the law forces them to set prices at lower levels than they would without any price regulation.

"And so, Mr. President, I believe that there is considerable evidence that the gas price law is saving money for Hawaii consumers. But the fact that our law is working, does not mean that it cannot be improved and strengthened. Therefore, I am recommending that amendments be made, and these amendments are incorporated in the measure before you, that amendments be made to our gas pricing law to lower the gas price ceiling further so that Hawaii's consumers can realize even greater price savings in the future. And I'd like to note again that these amendments were developed in consultation not only with consumer advocates, but also with Mr. Tim Hamilton.

"I'd also like to emphasize again that most of the proposed changes should have been made by the PUC, considering that the commission's own consultant, ICF Consulting, recommended these kinds of changes be made to set the price ceiling at an appropriate level.

"Now, I won't go into the specific amendments, in the interest of time, because they're, I believe, adequately discussed in the committee report and delineated in the bill itself. But let me just wrap up this portion of my presentation by saying that when you take all of the amendments together, there is no question that savings will be realized. For example, when applied through 2005 and 2006 actual prices, Mr. Hamilton estimates that these provisions taken together should reduce the maximum wholesale price ceiling by an average of an additional 15.6 cents per gallon or approximately 16 cents per gallon. Had the PUC adopted these kinds of changes last year, they would have dampened the price spike following Katrina by reducing the maximum wholesale price at times by up to as much as 30 cents per gallon.

"When the savings that will result from the amendments that are contained in this bill are multiplied by the 2005 statewide gasoline consumption of 438 million gallons, S.B. No. 2911, S.D. 1, holds the potential to return an additional \$68.3 million annually to the pockets of motorists. Since the savings would stay and turn over in the local economy instead of leaving the state as higher oil company profits, the potential impact on the state economy can be estimated at \$205 million annually by conservatively applying an economic multiplier of 300 percent.

"So, I urge my colleagues to pass this measure and to at least keep it alive for further discussion and consideration. Mr. President, I'm also cognizant of the fact that the House is considering its own bill and will probably be moving their measure over to the Senate for further consideration in the coming weeks, and I just want to indicate to my colleagues that I will keep an open mind to the House measure, especially since it includes some provisions that we may want to incorporate into the Senate version, such as the transparency provisions that are contained in the House measure. I also know and I appreciate the fact that several of my Senate colleagues have other proposals to offer by which we might be able to further strengthen our gas pricing law and I'd like to assure my colleagues that those proposals will be considered by myself and given a hearing in the future.

"So, for all these reasons, I believe that the amendments that I've discussed will improve and strengthen our gas pricing law and would therefore recommend that we pass this measure. I want to thank my colleagues for giving me the opportunity to continue my work on this important measure. Thank you."

Senator Hogue rose to speak in opposition and said:

"Mr. President, I rise in opposition to this particular measure.

"At the hearing that we had on this measure, there a number of analysts who came forward with their figures and it is interesting how intelligent people can come up with different ways to look at a particular issue because there were analysts who were there who strongly suggested that this gas cap has not worked and there were those, as the fine Senator from Mililani mentioned, that say that it has worked. I noticed that there hasn't been a lot of mention about the DBEDT study that was just recently released, but we all saw it on the front page of the newspaper about the amount of monies that each consumer that consumes gasoline in our state has paid out. When you consider how much money is spent on gas products over the year, that's a considerably high percentage of an increase that have come out of our pocketbooks.

"Another thing that has not been brought up on the Floor is how we are going to tweak this. I remember when we had this discussion a couple of years ago there was discussion about how we had to listen to mainland markets and then that gas cap regulation would work. And it was obvious by the events of this past year that it didn't work. There was a fire at the Tesoro refinery. There was Hurricane Katrina. And in each case, gas prices spiked upwards.

"Now we are told that we have to listen to or include Singapore. All we have to do is look at the events of the past year and we recognize what has happened in that part of the world. There was a terrible tsunami. What happens if there's an upheaval, maybe a political upheaval, in that part of the world?

"We cannot predict the future. We couldn't predict the future the last time so we are asked to tweak this again to see if it will work. Well, it didn't work last time and we will continue in further sessions here to be asked to tweak it again. We'll tweak it again and again and again, and we will still not get the results that the previous speaker wanted because the market speaks for itself and the market has spoken very loudly that this doesn't work. The constituents are ultimately the arbiters of all the different information that has come forward and they have spoken very loudly.

"I know that in the research that we sent out, the survey to my constituents which was sent out at the beginning of this Legislative Session, we asked them, do you believe that the gas cap has saved you money? Over three to one, they said 'no.' Do you believe that the gas cap should be repealed? Three to one they said 'no.'

"So, I'm listening to the consumers. I'm listening to my constituents. I hope you will listen as well and I hope you will vote 'no' and we just have to repeal the gas cap. Thank you, Mr. President."

Senator Slom rose in rebuttal and said:

"Mr. President, just a brief rebuttal on a few of the remarks that were made by my good colleague from Mililani.

"First of all, I'm not now, nor never have been, nor never will be an apologist for either the oil companies or anyone else. I think my independence of testimony in voting has displayed that.

"I noticed, though, that the good Senator talked about the harsh criticism from the administration and the relentless vehement opposition and tooth and nail attacks. Gee, if it were only true. If that were only true, we would have repealed the gas cap before. The administration has gone on record from the very beginning saying that they oppose it, but the administration has done nothing to either repeal, suspend, or do anything else

about it. And as far as criticism from oil companies and from other interests, sure they've written letters to the editor or they've spoken up, but many people, believe it or not, are afraid of the power of certain Legislators here, the ability for them to manipulate their business. So, I didn't see any tooth and nail fight, but I'd be glad to see it.

"As to the point about the dire predictions that were made, I was thinking back and I think the good Senator is correct. There were dire predictions made . . . with the original bill, because the original bill was going to attack the retailers on every island. And those retailers came here and told the Chairman and told many others that if in fact that bill passed like that they would be out of business and they would have tremendous unemployment. So it wasn't me making the dire predictions, it was them and that was the original bill on retailers.

"So, the shift in emphasis was to the wholesalers. And then the shift was from the index, as the Minority Floor Leader pointed out. And we've done all these changes but the result is still the same, and it is true that good people of good will can disagree and have different conclusions but we go back to the original study, the original study and the group that was hired, the consultants that were chosen by the former Governor and by the legislative supporters of this legislation – and I'm talking, of course, of the Stillwater Study. When it came out, because it didn't have the outcome that the supporters wanted, they dismissed it and attacked it. It's kind of like attacking that newspaper – that unknown, unnamed newspaper, sometimes we like it if it agrees with us and most times we don't because it doesn't. You can't be one way or the other. I'm just very ecumenical about it – both papers do very little to enlighten people here at any time. So, the major mass media, the so-called mainstream media, has done a great disservice by not covering these issues.

"Then there's the question again about which study do you believe and which expert do you believe. Remember the old saying, Mr. President, you can't fool kids? Well guess what? You can't fool consumers either. And they may not have read the studies, they may not have even heard the wisdom that comes from this body, but they know one thing – they've been hosed. They've paid more for gasoline. They don't like it. They want it out. And with their lack of analytical skills or anything else, they're the ones that reach in their own pockets, put their own money in increasing amounts into the price of gasoline.

"Now, the good Senator started talking about diesel and I was confused. I thought we were still talking about gasoline, but I didn't see a bill to regulate diesel. Maybe that'll come later or maybe that'll be amended, but the two are wholly separate. And so to bring in the diesel argument I think it doesn't fit here.

"And when the discussion started, it was about how we don't have a free market. Well, I agree. I agree with the good Senator from Mililani. We do have an oligopoly. And even during the court cases and all of the rhetoric of the supporters of regulation when they were chastising Chevron because of the tremendous profits that they were allegedly making, anybody knows that if those kinds of profits were real that we would have people knocking at our door to go into that business. But they don't for two reasons – the numbers were never real, number one; and number two, it is so costly in terms of investment, in terms of infrastructure, in terms of equipment, plant, maintenance, everything. That's why we have the two refineries and no more. That's why we don't have anybody rushing in, and certainly gas cap price regulation hasn't encouraged more competition.

"So, I'm a little confused. Is the supporter of this regulatory, collectivist, socialist legislation saying he really wants a free market? In which case we should get rid of this kind of legislation, but I don't think so. He just threw that in as a canard. We don't have a free market, and by God, we don't really want one. I think we do and I think that's the direction we should be taking whether we're talking about healthcare or we're talking about gasoline or anything else, because we know the blessings of competition. We see that all the time. We see it in computers; we see it in cell phones; we see it everywhere that the government is not regulating the prices or the way that the companies do business. If they break a law, prosecute them to the full extent, but if they don't, leave them alone and get out of the way.

"And finally, Mr. President, I remember the Minority Leader, just a couple years ago, raised the issue if we're going to regulate gasoline, why don't we regulate Wheaties? Well, I happen to eat Wheaties, Mr. President, with raisins, if you want to know. A box of Wheaties at Safeway currently, when it's not on sale, is \$5.45 for a box of Wheaties. On the mainland that box of Wheaties is \$2.29. Where is the Wheaties regulations?

"And how about housing? My God, we're all watching our houses go up! You know what I'm afraid of is those houses on the Windward side that suffered all that traumatic damage last week, they're going to raise the assessment because now they have indoor pools and they have easier access to sewage. So why not regulate house? Why no regulate homelessness? Why not regulate everything? The simple answer is because these legislative regulations don't work! They never have; they never will! And the people that pursue them are doing the public and the taxpayers a disservice.

"There are options and there are alternatives to lowering the price of gasoline, not the least of which is cutting the highest gasoline taxes in the nation in this state. But we don't do that. We don't do anything that has incentives because there is an agenda here and the agenda is get Chevron, get HMSA, get the big guys. I'm a small businessman. I'm supportive of small businesses. But if you go after the big guys and you want to go and do something to interfere with their market potential, then you're affecting every small guy and gal because they – here's a secret – they want to become bigger. They want to become more successful. And regulation, government price regulation doesn't work.

"We don't talk about regulating the labor unions. We have all these bills, dozens and dozens and dozens of bills to give them more rights, give them more power, give them more salaries, give them more personnel. But business . . . we go after business. And then we wonder why we can't diversify our economy here and why we can't attract that investment capital. Regulation doesn't work and I don't care whether you're talking about diesel or you're talking about gasoline or you're talking about Wheaties.

"And finally, the good Senator from Mililani talked about, well, at least what this did – what these price caps and gas caps did – was to make sure that our prices went down when the prices went down on the mainland. I want to see that graph. I want to see that graph accurately reflect when there were price discounts on the mainland, whether our prices stayed down or, like next week, they're going to go up another 12 cents. The truth of the matter is they've gone down; they've gone up; they've gone down; they've gone up. But if you look at where they were before we had the price caps, we're above that amount, and people have paid all of that money.

“And a final comment is, one of the other arguments was we’re going to narrow the difference in cost between mainland average gasoline prices and Hawaii prices. Not only did we not narrow that gap, we have extended it so the gap now is greater than it was before the gas caps. How much more evidence did we need? How much more time in this will we have?”

“I’m very happy to hear the good Senator say he has an open mind. I don’t know whether he’s going to need genetically modified brain work from the good Senator from Kahaluu and I don’t know whether open mind means he is going to hear the bills when they come over. I certainly hope he does. Thank you, Mr. President.”

Senator Menor responded as follows:

“Mr. President, I just wanted to offer a few brief comments in response to several of the statements made by the previous speakers, as well as to offer points of clarification.

“The Senate Minority Floor Leader has raised an argument that basically perpetuates a misconception that somehow our gas pricing regulation caused the significant price spikes that occurred subsequent to Hurricanes Katrina and Rita. That’s the same sort of misconception that is included in DBEDT’s analysis, which makes it a very flawed analysis. DBEDT also downplayed and ignored significant economic events and also assumed that Hawaii is unaffected by national and global petroleum markets. In its analysis, DBEDT asserts that had Hawaii prices not been capped, they would not have spiked after Hurricane Katrina. Their reasoning is that prices did not spike significantly after small hurricanes in the past, such as Hurricane Ivan.

“The agency and my colleagues from across the aisle would have us believe that the most destructive hurricane in the history of the Gulf did not make any difference in the price of gasoline. DBEDT’s absurd conclusion is that prices in Hawaii would have remained flat while those on the mainland skyrocketed if the cap had not gone into effect.

“As the industry analyst with whom we consulted, Mr. Hamilton, correctly points out, this aspect of the study and assertions that have been made in that regard really represent a fatal flaw and completely ignore the observations of every industry analyst regarding the impact of Hurricane Katrina on national and international gasoline markets. In fact, Bruce Smith, the president of Tesoro, told KITV after Hurricane Katrina, ‘Prices would have gone up with or without Hawaii’s gas cap law,’ and that’s a direct quote from the president of Tesoro.

“The critics of our gas pricing regulation also frequently make reference to Stillwater in support of their position. But if you look at the Stillwater Report carefully, there are important aspects of the report which in fact supports the need for pricing regulation in the gasoline market. Let me read some excerpts or quotes from the Stillwater Report. The report begins with the conclusion that the, quote, ‘high profitability of Hawaii’s gasoline market, relative to other markets, is indicative of the use of market power in an oligopoly.’ That’s a direct quote. In addition, Stillwater admits that higher prices on Maui is a result of monopoly power. In other words, we’ve got a broken and uncompetitive market. We’ve got a situation where we’ve got a market that is tightly controlled by two oil companies which makes it difficult for new entrants to enter into this market. Given the kind of unique and difficult market situation that Hawaii is faced with, it has become imperative for us to move with the sort of strong pricing regulation that we passed several years ago and which we are seeking to improve during this Legislative Session.

“And finally, Mr. President, I believe it was the Senate Minority Leader who commented that we appear to have a disagreement among experts and consultants. But I would point out that if there’s any consultant for whose opinion we should give significant weight, I believe that that consultant would be the PUC’s own consultant, ICF Consulting, which was retained by the PUC for the purposes of evaluating our pricing regulation to recommend changes that could benefit consumers and ultimately to help the PUC adopt the position that would be in the best interest of the consumers and not the oil companies.

“In its report, ICF Consulting, which did a non speculative analysis based on actual data covering approximately the same period of time in its report to the PUC, which was from 1999 to 2004, found that had a cap been in place using ICF’s recommendations, that price cap would have reduced prices by 10 to 13 cents per gallon.

“So, Mr. President, I believe that the evidence is very persuasive and compelling that we need to have effective and strong pricing regulations to promote and protect the interest of consumers in Hawaii, and accordingly, I would ask my colleagues to vote in favor of this particular measure. Thank you.”

Senator Tsutsui rose to speak in support of the measure and stated:

“Mr. President, I rise in support of this measure, I think.

“The good Senator from Mililani made a comment saying that the gas prices would be higher today if we didn’t have a gas cap. I’m still waiting for the data to prove that. The good Senator from Mililani also showed us a nice chart showing the differential in the Hawaii retail prices versus the national retail prices in 2003. I had asked for a comparison looking at after September 1<sup>st</sup> when the gas cap was put into place. I’m still waiting for that chart.

“I would like to add, however, Mr. President, that I think the gas cap amendments that are being proposed today would actually help the gas cap. However, I still think that we should explore any and all options that are still out on the table, including the proposal that will be sent over from the House to provide greater transparency.

“Mr. President, part of my reason for continuing to support this measure is that I was given a personal commitment from the Chair of the Consumer Protection and Housing Committee that he would actually hear the measure that is being sent over from the House.

“In addition, Mr. President, myself and several members of the Majority Party have been working on possible amendments to the gas cap, those of which have been sent over to the Chair of Consumer Protection and Housing, and it is my understanding that he would hear these amendments as well in Committee after crossover.

“So, for those reasons, Mr. President, I will continue to support this measure. Thank you.”

Senator Hemmings rose to speak against the measure and said:

“Mr. President, I wish to speak against this legislation.

“Mr. Chairman, Mr. President and colleagues, I wish to share some thoughts and maybe we’ll influence some votes here today. First of all, regarding consultants, I do agree with the

good Senator from Mililani that you usually get what you pay for. It's like lawyers hiring expert witnesses. You oftentimes get the consultant to come to the conclusion that you're paying them for.

"The question we all should ask ourselves is, what is this legislation originally intended to do and who is it helping? It is written right in the preamble of the original legislation that it was never intended to lower prices and it hasn't. So who is it supposed to helping? The consultant I'm concerned with is the consultant that we call the consumer, my constituents, who have overwhelmingly opposed this law as they have throughout the State of Hawaii. As predicted, none of the other states have followed suit with this legislation.

"This legislation does track mainland prices and what it does, the result is that every week, on a weekly basis, Hawaii remains the number one priced gasoline state in the nation. It's tracking real well. It's keeping Hawaii as the highest and most expensive.

"When we originally addressed this legislation, we talked about the real reasons why prices are so high. And I do appreciate the good Senator from Hawaii Kai pointing out the price of Wheaties, but we never really talked about, nor have we examined as a Legislative Body, reducing the cost of everything in Hawaii by reducing employment costs like out-of-control workers' comp rates, regulatory costs that regulations put on the marketplace and drive up costs, tax cost – Hawaii's taxes and gas remain amongst the highest, not the least of which includes the 4 percent excise tax.

"I do want to enter into the record that our staff produced some numbers that cannot be refuted and that is the electrical costs in the State of Hawaii – the cost of electricity, which is a PUC regulated business – are 152 percent above the national average. Gasoline is currently 26 percent above the national average.

"This legislation, S.B. No. 2911, is getting out of the frying pan and into the fire because one of the things it does do is index the cost to include the Singapore market, which is a foreign market. I do recall that Singapore was a member of the oil cartel that cut off oil supplies in '74 resulting in long gas lines in Hawaii. Indexing our oil prices to the Indonesian market is a very, very unwise thing to do.

"The last thing is regarding free markets. We'll never have overall competition in the Hawaiian market regarding large oil refineries because the market is too small. But one thing we do know about the free market is that it's not free at all. An oligopoly is much more competitive than a government controlled market. So if you really want to go towards a free market, we should get rid of this legislation.

"The last thing I do want to offer the good people of Hawaii and the Senate and especially the more enlightened Majority Party Senators is the best thing to do to compete against big oil is to make it obsolete, and we're the best state in the nation to use renewable energies to turn our economy into a hydrogen propulsion economy. I will tell you that there are some good Senators, not the least of which is the Chairman of the Energy Committee that has started to look in that direction, and for the first time, I think this Legislature in 30 years is willing to work towards liberating ourselves from fossil fuel dependency. If you want to compete against oil, make it obsolete.

"So I would ask my colleagues to vote this legislation down. I hope the good Senator does keep an open mind and hear the legislation to rescind it. I'll remind the Majority Party colleagues that this is still a democracy. The Chairman of a

Committee is not the totalitarian ruler of all things in that Committee, and at any time the Committee can work with the Chairman. If the Chairman opposes something, the majority of the Committee members can overrule that opposition. So, we don't have to rely simply on a Committee Chairman for when and how legislation is going to be heard. That's what more enlightened democracies would do – we'd go with the will of the majority, not the dictates of one Committee Chairman.

"So, I'd urge my colleagues to vote 'no' against this and send the signal out that we're going to repeal the gas cap as the ultimate consultants on this issue have spoken so loudly about, and those consultants are our neighbors, our friends, and those people that helped elect us to office. Thank you, Mr. President."

Senator Kim rose with reservations as follows:

"Mr. President, I rise to speak with reservations.

"Mr. President, when the gas cap first came out, I'm on record as voting in favor of it. However, last Session, I supported an amendment that came from the House which would have given the Governor the power to turn the gas cap on or off in the event that circumstances warranted it. My reasoning was that we would be out of Session when the gas cap was scheduled to go into effect and in case something happened, there would be a mechanism to suspend the gas cap. Little did I know or we all know then that Katrina would hit, it would ravish Louisiana, and our gas prices in the Gulf region would soar as it did.

"Had the amendment passed, the Governor would have been able to suspend the implementation during that time. The reason the amendment did not make it into the bill, as we know, the Chair of the CPH Committee would not give prior concurrence. But he agreed that he'd be the first to support the amendment if the PUC formula has problems. He made that commitment to us in Caucus. Well, it seems we've had nothing but problems with the PUC, and if we didn't, we wouldn't be having to make all these amendments in this bill today.

"We keep hearing about how the gas cap is benefiting the consumers. Well, like the good Senator from Kaneohe, I also send out a survey to my constituents at the beginning of each Session. The results of my survey show: to the question I read, Do you feel that the gas cap law is working? Only 22.8 percent of them said 'yes,' whereas 77.2 percent said 'no.' And to the question, Should the gas cap be repealed? The results were about the same – 24 percent said 'no' we shouldn't repeal it and 76 percent said 'yes' we should repeal it. Now keep in mind that these results are preliminary because they're still trickling in very slowly. In fact, I got three more between yesterday and today, and again this one says 'no' it's not working, and 'yes' we should repeal. This one says, 'no, it's not working; yes, it should be repealed; it is clearly not working,' written in black ink. And the third one says, 'no, it's not working; and yes, the gas cap should be repealed. Better than riding a seesaw, develop inexpensive options, alternative fuel sources, biodegradable, etc., etc., etc.'

"Mr. President, no matter how hard we try to spin this, the wholesale price supposedly is lower because of the gas cap, but the consumers – my constituents – do not believe it's working. Why? If it's supposed to benefit them, why aren't they believing that it's working? And even with these new amendments, which may make the gas cap better, there's no guarantee that these new savings are going to be passed on to the consumers.



"In fact, it's interesting that when the PUC announces that there's going to be a decrease in the price, if you drive around town, it's nowhere near what they say it's going to be decreased by. If they say it's going to drop by 16 cents . . . first of all, the first three days it never goes down because they say, 'oh, I still have gas in my tanks that I paid the higher price for.' And when it finally gets to the middle of the week it never goes down by 16 cents. It might go down by 5 cents or 6 cents. But, as soon as they say the price is going up by 10 cents or 5 cents, trust me, the first thing Monday morning, those prices are up no matter how much gas is in the ground that they paid the lesser price for. And it's interesting that it goes up to the maximum amount that the PUC says.

"These are concerns that I raised in the Caucus. These are concerns that need to be answered, and if in fact this gas cap benefits the consumers, then by all means, let's make sure that the consumers believe that it's benefiting them. Thank you."

Senator Hemmings rose and said:

"Mr. President, point of clarification – was the previous speaker speaking for or against the legislation?" (Laughter.)

The Chair responded: "With reservations."

Senators Hooser, English, Ige, Nishihara and Hanabusa 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. 2911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," 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).

S.B. No. 2190, S.D. 1:

Senator Kanno moved that S.B. No. 2190, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this bill.

"For a number of years now, there has been an issue of employers in Hawaii, businesses in Hawaii paying too much in terms of unemployment compensation taxes. I know it says unemployment compensation insurance, but it's a tax. With insurance, I have the ability to choose whether I want to buy it or not. I don't have the ability as an employer whether or not I want to pay unemployment compensation taxes.

"The Governor had introduced legislation last year which would have gone a long way to helping businesses in Hawaii, particularly small businesses. That legislation would have lowered the amount that employers pay on the base pay unemployment comp. The federal amount is \$7,000. The Hawaii amount goes up every year based on the average pay and currently is \$34,000 per year.

"This year the Governor introduced that bill again and the Labor Committee did make an attempt to help businesses and to lower unemployment comp. But the difference was that the amount was lowered not to \$7,000 permanently, but to \$10,000 for two years. In addition to that, there was another provision that would have raised or that would raise the benefits that unemployment compensation beneficiaries get.

"Well, even that was not that bad a tradeoff until an S.D. 1 of this bill suddenly appeared at Ways and Means. I say suddenly because there was no hearing on the S.D. 1 and the businesses and the individuals that testified in favor and in support of the original bill never had an opportunity to comment on or testify on the changes that were made, including the increased benefits and one more item. And the other item is that there is language in this version that says that you cannot halt payments for an employee who is denied employment because of willful or wanton conduct. And in Ways and Means, we asked the author of this amendment what that definition actually meant and he told us all that he didn't know because he's not an attorney.

"Willful or wanton means a lot of things to a lot of different people, but you sure better specify what it is if you're putting it in a legislative bill and into a statute. And the fact that we did not hear put it in this bill causes an alarm for a great many possible lawsuits, a great many more cost and problems for employers. And so, thus, the simple thing of reducing the base amount that an employer pays on, has not been realized, and as I've mentioned, it's only for a temporary period here, not permanent.

"This and the fact that the unemployment compensation reserve fund has continued to zoom upward approaching \$500 million, half-a-billion dollars – in part because we have a good economy, in part because we now for seven months have had the lowest unemployment rate in the nation, which is laudable, which is a good thing and something we can be proud of – we don't need close to \$500 million in a reserve fund. We don't need to continue to tax employers at one of the highest rates in the country and at one of the highest levels, the \$34,000.

"So, reluctantly, Mr. President, I'm voting against this bill because this bill will not bring the relief that businesses sought and it will bring a great number of unintended consequences. Thank you."

Senators Kim and Sakamoto 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. 2190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hogue, Slom, Trimble, Whalen). Excused, 2 (Hee, Ige).

Stand. Com. Rep. No. 2690 (S.B. No. 2082):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2690 was adopted and S.B. No. 2082, 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, 19. Noes, 3 (Hemmings, Hogue, Slom). Excused, 3 (Hee, Hooser, Ige).

Stand. Com. Rep. No. 2697 (S.B. No. 3185, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2697 was adopted and S.B. No. 3185, 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, 22. Noes, 1 (Slom). Excused, 2 (Hee, Hooser).

Stand. Com. Rep. No. 2698 (S.B. No. 2057, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2698 be adopted and S.B. No. 2057, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Trimble rose in opposition and said:

“Mr. President, I rise in opposition to this measure.

“Colleagues, a timeshare is a form of visitor accommodation. It is not a land use, and so I don’t believe that passing law concerning zoning is appropriate. Thank you.”

Senator Tsutsui rose to speak in support and stated:

“Mr. President, I rise in support of this measure.

“Mr. President, this measure just allows the counties to establish a timeshare zoning district. I think it’s a good bill unless you’re a timeshare company. It’s a home rule issue and not a mandate and therefore the counties would have to enact legislation to actually have this timeshare zoning district. Thank you, Mr. President.”

Senator Hemmings rose in favor of the measure as follows:

“Mr. President, I rise to speak in favor of this legislation.

“Mr. President, this does address the issue of carrying capacity for the islands regarding the tourist industry. There are some that think that we’ve exceeded that capacity already. What’s happening in the industry is hotel rooms are now being converted to timeshare rooms and that of course is going to create a lot of additional burden on the infrastructure regarding the tourist industry and it allows many of the people doing it to escape certain regulations and even taxes regarding the tourist industry.

“So, this is good legislation to allow the counties to have the home rule capability of regulating this industry regarding where they want these properties to be. Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2698 was adopted and S.B. No. 2057, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TIME SHARE ZONING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2699 (S.B. No. 3179, S.D. 2):

On motion by Senator Menor, seconded by Senator Baker and carried, Stand. Com. Rep. No. 2699 was adopted and S.B. No. 3179, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FERTILIZER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Slom, Trimble, Whalen). Excused, 1 (Hee).

Stand. Com. Rep. No. 2701 (S.B. No. 3261, S.D. 1):

Senator Menor moved that Stand. Com. Rep. No. 2701 be adopted and S.B. No. 3261, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senators Taniguchi, Inouye, Espero, Ige, Hooser, Kim and Sakamoto requested their votes be cast “aye, with reservations,” and the Chair so ordered.

Senator Baker rose in support of the measure and said:

“Mr. President, I have some remarks in support of this measure I’d like 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. 3261, S.D. 1:

“This bill establishes a process for dental specialists to receive a license to practice their specialty in Hawaii. That process is called licensure by credentials which uses a performance record in place of an examination - a process that 47 other states use. Only Hawaii, Delaware and Florida do not allow licensure by credentials.

“Act 121 adopted last Session opened a small window last summer for dental specialists to obtain a Hawaii license with the anticipation that the Legislature would revisit the issue this year.

“While Hawaii may have a favorable statistical ratio for the number of general dentists to our population, such is not the case for specialists, especially on the neighbor islands.

“The standards for licensure established in this bill are virtually identical to the provisions adopted last session in Act 121 but more importantly these standards are the standards recommended by the American Dental Association. They include acceptance of residency training and practice to satisfy the years of experience. Every other state in this country except Hawaii counts the two-year residency practice toward fulfilling the experience requirement. Additionally, a doctor serving residency is considered practicing medicine for licensure in other purposes. MD’s and dentists should be treated equally with regard to how residency practice is viewed.

“The American Dental Association (ADA) urges constituent dental societies and state dental boards to implement specialty licensure by credentials and/or specialty licensure as a top priority. Specifically, the ADA urges states to consider the following provisions:

- Specialists should not be required to pass an additional general dentistry examination when applying for a license to practice the specialty.
- Specialists who have passed a specialty licensure examination in another state should be granted licensure by credentials without further examination.
- States should be urged to enact provisions by which a dental specialist, licensed in another jurisdiction, may be issued a license, by credentials, to allow the specialist to practice the specific specialty.
- Specialists who hold Diplomat status from an ADA-recognized dental specialty certifying board or who have completed an advanced specialty education program accredited by the Commission on Dental Accreditation and meet all other state requirements for licensure should not be required to take any additional examinations.

“The opposition to this bill is not about consumer protection. It is about economic protection. Our dental specialist force is aging and limited. We need an objective process to allow dental specialists to relocate to Hawaii to practice. That is what this bill does and it is in accordance with standards set out by

the American Dental Association and adopted in all but three states.

"I have heard from a number of Kamaaina who want to return to Hawaii to take care of aging parents but cannot do so without the ability to practice their profession here.

"I respectfully urge all my colleagues to vote in favor of this bill. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2701 was adopted and S.B. No. 3261, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SPECIALISTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hanabusa, Trimble, Tsutsui). Excused, 1 (Hee).

Stand. Com. Rep. No. 2702 (S.B. No. 3277, S.D. 2):

Senator Menor moved that Stand. Com. Rep. No. 2702 be adopted and S.B. No. 3277, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Trimble rose to speak against the measure as follows:

"Mr. President, I rise in opposition to this measure.

"Every year we seek to increase the number of types of occupations subject to certification. I've reviewed the type of work activities required of nurse aides and since we don't certify mothers, I don't see why we should certify and create this class. Thank you."

Senator Baker rose to speak in support of the measure and said:

"Mr. President, I rise in support of this measure.

"Mr. President, there was an anomaly in the law that allowed one category or nurse aides to be certified but not another. If you worked in a Medicaid or Medicare facility that got federal funds then you were required to be certified, but others that work in what had been known as state designated facilities weren't.

"This bill was a collaborative effort by the Department of Health, the Department of Human Services, the Department of Commerce and Consumer Affairs and was supported by facilities as well as nurse aide organizations. This is really an attempt for their protection as well as consumer protection and I urge my colleagues to vote in favor of this measure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2702 was adopted and S.B. No. 3277, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2704 (S.B. No. 2036, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2704 be adopted and S.B. No. 2036, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and said:

"Mr. President, I rise in opposition to this measure.

"Colleagues, if Dr. Bossert were still going to be employed by HTDC, I would be tempted to vote for this measure. The problem is that we create law not based upon the best that works for us, but its potential for misuse if somebody less than the best works for us. For that reason, I'm going to vote against this measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2704 was adopted and S.B. No. 2036, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2705 (S.B. No. 2222, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2705 be adopted and S.B. No. 2222, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"Mr. President, I rise in opposition to this bill.

"I think the objectives are worthy. We debated this bill last year. Since that period of time, a lot of people nationally that were onboard or were supportive have dropped their support, and the reason is the statements I made last year I will repeat this year – this a backdoor effort to tax the internet. We can talk about collecting other fees and so forth, which the state tax department has shown us they're doing a good job and they want to do that, but this really is aimed at internet buying. And since more and more of our citizens are using that as a way to save money and to also get better choices, it is an untapped revenue source for government, and as such, it's not streamlining anything; it's revenue enhancement. Thank you."

Senator Fukunaga rose in support and said:

"Mr. President, I have remarks in support of this measure that I'd like to request be inserted in the Journal."

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

"Mr. President, I rise to speak in support of S.B. No. 2222, S.D. 2, Relating to Streamlined Sales and Use Tax.

"The purpose of this measure is to amend the State's tax laws to allow Hawaii to participate in the Streamlined Sales and Use Tax Agreement and consequently collect taxes from electronic commerce transactions. To supplement the Senate Ways and Means Committee's discussion of this bill, I offer the following added background information.

"Department of Taxation and the Tax Foundation of Hawaii expressed concern over a number of issues regarding the implementation of the SST in their testimonies before the Senate Media, Arts, Science and Technology Committee:

- (1) Added complexity to the State's existing tax system due to Hawaii's use of a general excise tax rather than a sales tax; the State's general excise tax system would have to be significantly modified to accommodate the SST Agreement;

- (2) Providing amnesty to out-of-state sellers that may or may not have a nexus with the State – doing so would mean that the State would give up its right to pursue these sellers for general excise tax liability on their operations in the State;
- (3) The State must compensate remote sellers who participate in the SST Agreement, but local sellers are not compensated for collecting and paying the tax;
- (4) The State is limiting its ability to adopt legislation that departs from the SST Agreement and its governing board;
- (5) The City and County of Honolulu would have to conform its general excise tax surcharge if the SST Agreement is implemented;
- (6) Under the SST Agreement, the definition of ‘gross proceeds of sale’ would need to be changed to ‘sales price’ – doing so may result in a loss of revenue;
- (7) ITIMS (the Department of Taxation’s computer system) is geared to general excise tax and would need major renovations for sales tax or different sourcing rules and modifying ITIMS to accommodate the implementation of the SST Agreement would complicate future development and maintenance; and
- (8) Implementing the SST Agreement would jeopardize or increase risk to other ongoing initiatives like imaging, electronic filing, tax law changes, and upgrades.

“The Media, Arts, Science and Technology Committee took these concerns to heart, and sought to address them; Senate Draft 2 retains these methods of addressing Department of Taxation issues:

- (1) With regard to the issue of added complexity, the legal incidence of the general excise tax is on the seller, but one-third of sales tax jurisdictions also impose the legal incidence of their tax on the seller, so the claim is factually incorrect. The creation of three new tax chapters, as proposed under this measure, actually makes tax compliance simpler for taxpayers because the different tax rates will be in different chapters, as opposed to being buried in a single chapter with all of the different rates (4%, .5%, .15%).
- (2) With regard to amnesty, the reality is that many remote sellers cannot be found. Amnesty dispenses with the need for extensive auditing and the allocation of human resources in exchange for prospective compliance. There are now 325 sellers who participate in the SST Agreement, which will provide a rich base for enhanced collections. In addition, amnesty could also be extended to local sellers to level the playing field.
- (3) With regard to remote seller compensation, the concern reflects a misunderstanding of the SST Agreement’s Certified Service Provider model: the State of Hawaii is required to compensate the Certified Service Provider, not the taxpayers. In recent commentary, states were advised to get used to paying for this service, as it will likely be mandated when federal legislation is enacted.
- (4) With regard to the State limiting its ability to adopt legislation that departs from the SST Agreement and its governing board, Hawaii needs the least number of changes to its tax laws for SST Tax Agreement

conformity. This is due to the existence of very few, different tax rates. The State of Hawaii:

- (A) Has a large tax base without the food or medical exemptions;
- (B) Already conforms to destination sourcing; and
- (C) Already centralizes tax administration.

Most general excise tax legislation deals with exemptions and pyramiding relief, which would not be impacted by the SST Agreement, provided definitions are consistent.

- (5) With regard to the issue that the City and County of Honolulu will need to conform to state law, conformity is beneficial. The biggest complaint of businesses in other states concerns having to contend with thousands of different taxing jurisdictions that lack uniform rates, exemptions, sourcing, and tax bases rather than the limited number of differences between Hawaii’s state and county tax rates.
- (6) With regard to changing the definition of ‘gross proceeds of sale’ to ‘sales price,’ the definition of ‘sales price’ under the SST Agreement is at least as encompassing as the State’s existing definition of ‘gross proceeds of sale’.
- (7) With regard to the Department of Taxation’s Integrated Tax Information Management System (ITIMS) needing major renovations for sales tax or different sourcing rules and that modifying ITIMS will complicate future development and maintenance, the new tax regime – like the old – will rely on the self-assessment system, with taxpayers reporting sales, income, sourcing, and exemptions. The computer fields would remain the same; taxpayers would still report the numbers in those fields. In addition, the computer system would not be affected by amendments to sourcing rules, definitions, and other policy determinations. The ability to access previously-uncollectible tax revenues outweighs the issue of ITIMS modification concerns; and I believe that the Senate’s actions on S.B. No. 2382, S.D. 2 – to include implementation of the Streamlined Sales and Use Tax Agreement with pending ITIMS’ upgrades – minimizes any problems involving computer system modifications.
- (8) With regard to the issue that implementing the SST Agreement jeopardizes or increases the risk to other ongoing initiatives like imaging, electronic filing, tax law changes, and upgrades, the committee believes that tax law changes and new forms take place every year, primarily for net income tax, not the general excise tax. This fact means that fewer changes should result from sales tax than income tax, when compared to the 2005 income tax law changes made by Congress.

“S.B. No. 2222, S.D. 2 has been further strengthened with amendments to ensure conformity with the requirements of the Streamlined Sales and Use Tax Agreement and the Insurance Code. The State must recognize that shopping patterns are changing, and changing rapidly, especially in geographically remote areas like Hawaii. The State cannot ignore this, and the Streamlined Sales and Use Tax Agreement will enable the Department of Taxation and local sellers to keep up with the advances in technology.

"I therefore urge my colleagues to support this measure to improve fairness and give Hawaii retailers a level playing field with out-of-state sellers."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2705 was adopted and S.B. No. 2222, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINED SALES AND USE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Hogue, Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 2706 (S.B. No. 2382, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2706 be adopted and S.B. No. 2382, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"The reason I'm speaking against this measure is that I believe that when we listen to testimony, the testimony we are given should be full, complete, and accurate. And when it is not full and complete and accurate, then perhaps we should not do what we are asked to do.

"In Ways and Means, the assertion was made that hundreds of millions of dollars was collected merely because DoTAX had a new computer program. And I asked how much of this improved collection is due to the fact that we have an improving economy and how much is due to the computer program? I was not given an answer and for that reason, I'll be voting against this measure."

Senator Fukunaga rose in support of the measure and said:

"Mr. President, I have remarks in support of this measure that I'd like to request be inserted in the Journal."

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

"Mr. President, I rise to speak in favor of S.B. No. 2382, S.D. 2, RELATING TO TAXATION.

"The purpose of this measure is to:

- (1) Provide revenue generating initiatives that will be benefits-funded, meaning the vendor will only be paid when measurable increases in revenues resulting from the initiatives are collected by the State;
- (2) Create an integrated tax information management system (ITIMS) special fund to hold the proceeds from the initiatives, to be used in part to enhance the Department of Taxation's computer system, ITIMS; and
- (3) Fund related operational and administrative functions.

"Act 273, Session Laws of Hawaii 1999, authorized the Department of Taxation to enter into a performance-based contract to acquire the Integrated Tax Information System (ITIMS). A performance-based contract is one in which the State is liable to pay the vendor only if the promised performance is achieved. In this case, the performance consists of the State collecting more tax revenue than it would have collected if the vendor's services were not used. If the expected benefits are not in fact produced, the vendor does not get paid.

"As a result of Act 273, the Department saw an substantial increase in performance, and successfully proved its ability to increase revenues for the state general fund. The initial ITIMS initiatives increased revenues by more than \$252,000,000 during the five-year project – or a 475% return on investment.

"This year, Department of Taxation has proposed a benefits-funded approach for the contract structure. As was the case in the five-year ITIMS project, benefits-funding establishes mandatory performance targets that the vendor must achieve in order to be paid. Under the benefits-funding method, the vendor is responsible for the up-front costs of the upgrades, and 90% of the initial distribution will go to the ITIMS special fund – to be used to pay the vendor until vendor costs have been fully paid – and the remaining 10% will be transferred to the general fund. The ITIMS special fund will provide a self-sufficient model to fund ITIMS revenue-generating initiatives, its related tax processing, and its capacity improvements, while providing the general fund with an estimated revenue boost of \$65.2 million over five years.

"In conjunction with its benefits-funded approach, the ITIMS project provides a timely mechanism to address two pending modifications to the State's tax system: Hawaii's implementation of the Streamlined Sales and Use Tax Agreement, and the City and County of Honolulu 0.5 percent surcharge to fund mass transit. However, Department of Taxation must appropriately calculate the total costs associated with the complete project, along with the increased level of tax revenues attributable to compliance with SSUTA and collections of the county surcharge.

"The bill will also appropriate funding to the Department of Taxation to initiate the benefits-funded contracts in order to realize these benefits. For all of the foregoing reasons, I urge my colleagues to join in supporting S.B. No. 2382, S.D. 2."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2706 was adopted and S.B. No. 2382, 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 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2707 (S.B. No. 2570, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2707 be adopted and S.B. No. 2570, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Mr. President, I have remarks I'd like inserted into the Journal. Thank you."

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

"Mr. President, I rise to speak in support of this measure.

"The intent of this bill is to encourage the growth of the movie industry in Hawaii by increasing the income tax credit for motion pictures and films and expanding the credit to include digital media productions.

"In 2004, Mr. President, the film industry in Hawaii had production expenditures totaling approximately \$164 million. In 2005, production expenditures dropped to an estimated \$100

million. According to the State Department of Business, Economic Development and Tourism this drop is due primarily to 'fierce competition with other jurisdictions' including New Mexico, North Carolina, the Caribbean, and Australia, to name a few.

"As a result, our local workers have suffered a reduction in employment opportunities as jobs become fewer and farther between. Without the state's support, Mr. President, the industry will continue to have an uncertain and perhaps bleak future.

"This measure will foster sustained production activity and replenish and create highly paid jobs, training opportunities, and business opportunities for our local workforce, students and young professionals, and production support companies. This bill will help us compete more effectively against other jurisdictions offering similar tax incentives. I urge my colleagues to support passage of this measure. Thank you, Mr. President."

Senator Trimble rose to speak against the measure and said:

"Mr. President, I rise in opposition to this measure.

"Four years ago when I rose and spoke against tax credits on a variety of different measures I said in order for tax credits to be effective they constantly have to be raised, and that is what we see happening with this bill today. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2707 was adopted and S.B. No. 2570, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2710 (S.B. No. 2813, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2710 was adopted and S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2711 (S.B. No. 2818, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2711 be adopted and S.B. No. 2818, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition as follows:

"Mr. President, I rise in opposition to this measure.

"Reason number one, I believe that his bill properly should have gone before the Higher Education Committee. It did not.

"Reason number two, several years ago we were led to believe that \$150 million would be forthcoming from the private sector to fund either this building or a building like it.

"Number three, they are proposing to put this building in or adjacent to a tsunami zone. I think it is wisest to first get an assessment of the risk that would be included when we redraw the maps before we proceed with building structures, very expensive structures, in an area that would be affected. We

need to know what impact the environment may have on the activity when an environmental assessment is done.

"And finally, I think it is not in our best interest to put this type of laboratory work this close to our engine of growth, our visitor center, which is Waikiki. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2711 was adopted and S.B. No. 2818, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A REGIONAL BIO-CONTAINMENT LABORATORY FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2714 (S.B. No. 3118, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2714 be adopted and S.B. No. 3118, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and said:

"Mr. President, I'll be voting 'no' because it creates a special fund. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2714 was adopted and S.B. No. 3118, S.D. 2, 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, 23. Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 2717 (S.B. No. 2025):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2717 was adopted and S.B. No. 2025, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF IMPACT FEES," 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 (Hee).

Stand. Com. Rep. No. 2718 (S.B. No. 2074, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2718 be adopted and S.B. No. 2074, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in support with reservations and stated:

"Mr. President, I rise in support with reservations.

"We've talked about this kind of bill for a number of years. Right now the subject of this bill has to do with the funding mechanism, but I think we better be a little bit clearer on why we want a 3-1-1 system and how it's expected to work.

"The original proposal several years ago from the police department was that 9-1-1 is overburdened. The get more than 1 million calls per year. That part is true. But one of the reasons that it's true is because it's the police department that tells everybody to call 9-1-1 no matter what it's for. So, they get questions about what the oven temperature should be on

turkeys and so forth. People that have gone out of their way to try to have non emergency phone numbers for the police department don't get them. 9-1-1 in true emergencies have been swamped and there have been delays.

"There was a First Hawaiian Bank public community relations effort a decade or so ago that tried to train people not to use 9-1-1 unless it was an emergency and the police had turned around and said, no, no, no, we want everybody to call 9-1-1. And now they're complaining there's too much work. They can't handle it. They can't keep up with it.

"So, now they want us to have a separate system, 3-1-1. I guess my point is twofold. Number one, we don't know what the true costs are going to be. We don't know what the actual funding mechanism is going to be. And thirdly and most importantly, the people that call 9-1-1, are we going to wean them off that and they're automatically going to call 3-1-1? I have my doubts about that. I have real concerns.

"I think we need to do more work on this. We already have 2-1-1, which is if you have a question about an agency or self help or whatever. We used to have 4-1-1 for information but it costs so much now, people are relegated to actually looking up the telephone number or calling a friend. So I don't know. We've got 3-1-1, 4-1-1, 2-1-1, 9-1-1. Maybe we should be working on 7-1-1 and 8-1-1 in the meantime. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2718 was adopted and S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2720 (S.B. No. 3051, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2720 be adopted and S.B. No. 3051, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Mr. President, I rise in opposition to this measure.

"Very simply, colleagues, I don't really care if the counties want to change their fiscal year or not. I just think that they should do it collectively. I think that there is some benefit for having consistency of data and if the four counties want to get together and together say, okay we want a different fiscal year; these are the reasons, but this bill is in response to one county and I would prefer to keep it all the same until they can all agree what their fiscal year should be. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2720 was adopted and S.B. No. 3051, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Espero, Hee, Hemmings).

Stand. Com. Rep. No. 2724 (S.B. No. 2240, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2724 be adopted and S.B. No. 2240, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose and said:

"Mr. President, I rise on a point of information.

"This is an annual bill, of course. We have claims that we have to pay for the state, but the bill always changes from first draft, second draft every time we see it and I just wanted to get the total amount that we're looking at right now so members will have an idea what they're actually voting for.

"My understanding is that the original bill had nine claims totaling \$653,000. Then there were four new claims added for \$2,097,000. And the current amended version is \$2,750,865.08. I just want to get a confirmation on what the current figure is."

President Bunda inquired:

"You want to ask that of the Chair of the Ways and Means Committee?"

Senator Slom answered: "Please, yes. Thank you."

At 3:23 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:27 o'clock p.m.

Senator Taniguchi responded as follows:

"Mr. President, the amount that was requested in general funds was 10 billion, 848 million . . . no, no, I'm sorry. Wrong one. (Laughter.)

"It's \$2.6 million, roughly, for the general fund and for DOT, roughly \$140,000. That's currently. The AG's office is continuing to try to settle these cases before the end of Session and they'll provide us with additional settlements, I believe. And so, that number will go up, but if we don't pay it in this Session, we have to pay interest over the interim and that's what we want to avoid."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2724 was adopted and S.B. No. 2240, 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, 23. Noes, none. Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2728 (S.B. No. 2797, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2728 be adopted and S.B. No. 2797, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak against the measure as follows:

"Mr. President, I rise opposition to this measure.

"Colleagues, the reason why I oppose this measure is that I want to make sure that there is the potential for upward mobility and younger blood in our court system. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2728 was adopted and S.B. No. 2797, S.D. 1, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO JUDGES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hogue, Slom, Trimble). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2729 (S.B. No. 2926, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2729 was adopted and S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2731 (S.B. No. 2943, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2731 was adopted and S.B. No. 2943, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE MONITORS FOR OUT-OF-STATE CORRECTIONAL FACILITIES THAT HOUSE HAWAII INMATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2732 (S.B. No. 2945, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2732 be adopted and S.B. No. 2945, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and stated:

"Mr. President, I rise in opposition to this measure.

"Actually, I do favor more prisons so that we won't have to send people out of state. It's just that in Ways and Means I asked the question, where? Where's the prison going to be built? And I didn't hear an answer. And therefore I think that appropriating money to build a prison where we don't know where we're going to put it is premature. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2732 was adopted and S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WOMEN'S CORRECTIONAL CENTER AND FACILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2733 (S.B. No. 2947, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2733 was adopted and S.B. No. 2947, 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, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2735 (S.B. No. 2949, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2735 was adopted and S.B. No. 2949, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Nishihara).

Stand. Com. Rep. No. 2736 (S.B. No. 3040):

Senator Taniguchi moved that Stand. Com. Rep. No. 2736 be adopted and S.B. No. 3040, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and said:

"Mr. President, I rise in opposition to this bill.

"I realize that it's a constitutional amendment, a proposal, and that the people will have to vote on it eventually if it's passed, but it's part of a disturbing trend. The trend is we tax and overtax our citizens. We wonder why we increase homelessness and we have people moving away. And then we tell them that there is a possibility of at least some reimbursement because that's what the state constitution requires when we have two periods of excess revenues, which is the case right now.

"At the beginning of this Session, everybody was talking about the surplus and we were over \$500 million, now we're close to \$600 million and yet we have spending proposals that total more than a billion dollars, and lost in the shuffle, left in the crowd was any return of any money for the public where the money came from. I think, too often we forget this. It's not our money. It came only by taxing and overtaxing our residents, families, individuals and so forth.

"And so, what this bill proposes to do is to get rid of, basically, the constitutional amendment, the constitutional provision that would return money. And basically it says that we in the Legislature, we in government know how to spend your money better than you do. First we'll overtax you and then we'll overspend and we'll decide where the money goes because you're not smart enough to do it.

"I think this is a very bad bill. It's a very bad trend. And yes, the public will have to vote on it, but you know, we've got more and more people now that are voting for a living than working for a living because they lobby the Legislature, they come down, they get special legislation, and everybody wants somebody else's money. And that's what it comes down to.

"I think we'd all be a lot better off if we had our own money returned to us, whether it was from this excess or it was from special funds or from any specific situation that we've developed where we've definitely overtaxed and overcharged our residents. Thank you."

Senator Taniguchi rose to speak in favor of the measure and said:

"Mr. President, I rise to speak in favor of this measure.

"Mr. President, this bill proposes to amend the state constitution to provide an alternative to the constitutional mandate of refunding excess revenue to state taxpayers when



certain fiscal criteria is met. This measure, if adopted by voters, would allow the Legislature to either refund the excess revenue to taxpayers or deposit the amount that would have been refunded into the emergency and budget reserve fund.

“As you know, Mr. President, in the past when the constitutional requirement was triggered and only a token amount was refunded to satisfy the mandate, there were many who said that the Legislature should keep the one dollar and use it for good purposes because the cost of returning that dollar was very high in proportion to the dollar itself.

“This measure would provide the Legislature with flexibility to address this situation by depositing these minimal amounts into the rainy day fund. Of course, Mr. President, if our financial plan can accommodate a more substantial refund to state taxpayers, then the option to do so under our state constitution still remains.

“I urge my colleagues to support this measure. Thank you.”

Senator Trimble rose in opposition and said:

“Mr. President, I rise in opposition to this measure.

“I’d like to complement the Committee Chair of Ways and Means, but I disagree – one, that we have a surplus; it’s an accounting issue. The facts are that our employee retirement system is significantly under-funded, our schools haven’t been repaired, and we haven’t raised the standard deduction or personal exemption in over a decade-and-a-half.

“We don’t have a surplus, and when we talk about it, by golly, by the end of the year because we still have binding arbitration, it isn’t there. So, perhaps if we don’t talk about it, and we put it to uses like raising the standard deduction and personal exemptions, and into the employee retirement system, then it won’t be there for negotiated binding arbitration decisions. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2736 was adopted and S.B. No. 3040, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EXCESS REVENUES,” 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 (Hee).

Stand. Com. Rep. No. 2737 (S.B. No. 3119, S.D. 2):

Senator Tsutsui moved that Stand. Com. Rep. No. 2737 be adopted and S.B. No. 3119, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Trimble rose in opposition to the measure as follows:

“Mr. President, I rise in opposition to this measure.

“I think Micah Kane has done an absolutely superb job, but I think the focus of what Hawaiian Home Lands does should be taking care of the people on the waiting list and not on how to manage investments. There was another institution a few years ago whose focus shied away from Kamehameha Schools and was primarily focused on building the size of the trust. It got itself into problems.

“This is not a reflection on Micah Kane. It is a reflection on where the focus should be and what kind of laws we should

have, not when we have the very best as the director, but when there is something less than the very best. Thank you.”

Senator English rose to speak in support of the measure and stated:

“Mr. President, I rise in support of the measure.

“This allows Hawaiian Home Lands to take some of its funds and invest it and hopefully use that to put in the infrastructure that’s needed. But I support it with the caveat that it can also go the other way – that by them investing the funds, they could also lose a lot of money in the markets – as long as we’re very cognizant of the fact that, yes, they could gain but they could also lose.

“At this point, I hope that the commission uses this authority wisely, but we also do have to know that they could lose the nest egg as well. I do support it, however. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2737 was adopted and S.B. No. 3119, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Baker, Hee, Taniguchi).

Stand. Com. Rep. No. 2739 (S.B. No. 2974, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2739 be adopted and S.B. No. 2974, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and said:

“Mr. President, I rise in opposition to the bill.

“I think that we have seen a tremendous improvement in the Hawaii Tourism Authority over the last several years, most of which is due to the diligence of the Chair of the Tourism Committee. A lot of the problems that existed a couple of years ago have been taken care of.

“However, in this bill, one major issue remains and that is authorizing the HTA to go outside and hire additional attorneys, specialized attorneys, for contracts and services and so forth. The fact of the matter is, they have, under the current law, only to ask the attorney general, if there is something that the attorney general’s deputies cannot handle, they can ask for and get an outside attorney. They’ve had that power. They still have that power without this law.

“This bill also provides them with the ability to appoint a sports coordinator. It’s my understanding that they’ve already appointed a sports coordinator who’s on the job. It also increases the amount that they have for administration from the special fund and that may be worrisome in terms of the overall cost of administration. Although, as I say, the main thing is that they have done a much better job, the management and also the board of directors or the board of the HTA,

“I don’t think we need these additional costs and we certainly don’t need the ability to go out and ask for or order special attorneys, particularly when during testimony it was discussed that the deputies that are onboard right now are capable of handling these specialized contracts, services contracts and so forth, and secondly, we have seen that there has been an improvement not only in communications but also in the speed and rapidity in which the attorney general’s office

responds to HTA, again, probably due to the diligence of the Tourism Chairman.

“I will be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2739 was adopted and S.B. No. 2974, S.D. 1, 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, 17. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 4 (Baker, English, Fukunaga, Hee).

Stand. Com. Rep. No. 2740 (S.B. No. 3114, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2740 be adopted and S.B. No. 3114, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition and stated:

“Mr. President, I rise in opposition to this bill.

“This is yet another raid on the beverage container deposit tax fund. The community day activities are very welcomed activities. They have been going on for quite some time in all of the counties. And the interesting thing and the good thing about the community day is that they are volunteer activities. They bring organizations or individuals together and they do that.

“Now what we’re doing is going to tap that beverage container fund for this purpose. We have another bill that will tap it for another purpose. And in fact, the term grants-in-aid were used during testimony before the Committee on this bill. It was never my understanding and I don’t think it was my colleagues’ understanding that we would bloat this tax fund, again, by overcharging our consumers and then we would give out the money from the beverage container tax as grants-in-aid to specific community activities.

“The fund right now and the special fund stands at \$23 million and that’s what everybody is looking at – the amount of money and trying to find ways to spend it. This is not the way to do it. Thank you.”

Senator Baker rose to support the measure as follows:

“Mr. President, I rise in support of this measure.

“Mr. President, you can look at the additional dumping of vehicles, rubbish, and other unsightly forms of litter around our state and you can correlate it back directly to when we stopped having a litter office in the Department of Health and when we stopped funding Keep America Beautiful Community Work Day activities. This program is so important and it needs to go hand in hand with other visitor efforts to focus on our beautiful and pristine areas in our state. But if we don’t put forth some effort and put some resources into helping those beleaguered volunteers, we’re not going to be the most beautiful place in the world to visit or to live.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2740 was adopted and S.B. No. 3114, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY WORK DAY PROGRAM,” having

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

Ayes, 21. Noes, 3 (Slom, Trimble, Whalen). Excused, 1 (Hee).

Stand. Com. Rep. No. 2759 (S.B. No. 2764, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2759 be adopted and S.B. No. 2764, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I stand in opposition to the bill.

“While I support the trauma care and all of the objectives, again this bill and this law would create another special fund. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2759 was adopted and S.B. No. 2764, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRAUMA CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Slom, Trimble, Whalen). Excused, 1 (Hee).

Stand. Com. Rep. No. 2761 (S.B. No. 2961, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2761 be adopted and S.B. No. 2961, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure as follows:

“Mr. President, I stand in opposition to this bill.

“This is the annual bill to raise the taxes on cigarettes and cigarette users. I will refer you to my comments earlier in the day about the hypocrisy of if we’re really concerned about people that are smoking and their addiction, then we would ban smoking; it would help the people. Instead, what we want to do is make them tax cash cows and continue to tax them.

“Now, I don’t smoke and so I probably would be able to get along with this but I’ve been reading disturbing articles in the media in the last couple of weeks. They say the next area they’re going after is soda. Now, I’ve been known to drink a Pepsi can or two or three or four a day, and I can see exactly what’s going to happen here – a legal product, a soda, some people don’t like it because they say it’s bad for your health; they don’t like it because of the energy it gives some of us, and so their answer is, and this has been reported widely, even in the papers that the Chair from Mililani reads on occasion, they want to tax soda and they want to tax it really good. And the people that are using it, because we don’t like the people that are using sodas just like the SUVs or just like other things that we don’t like.

“And that is why (1) I stand against tax increases unless you can show me why that tax increase is necessary; (2) I stand against the tax increase on a legal product; and (3) they’re coming after my soda, Mr. President, and I want to protect my Pepsi. Thank you.”

Senator Baker rose and said:

“Mr. President, may I request remarks to be inserted into the Journal on this bill in support.”

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

"Mr. President, I rise in support of S.B. No. 2961, which will increase the tax on cigarettes and provide a deterrent to keep young people from starting to smoke and an incentive for current smokers to quit. About 17 percent of adults in Hawaii are smokers.

"According to the American Lung Association and others, smoking is the number one preventable cause of morbidity and mortality in Hawaii and the nation. In Hawaii, tobacco use is responsible for over 1100 deaths per year and costs over \$525 million per year in direct hospital, medical and related costs. Thousands of other residents suffer from tobacco-related illnesses including heart disease, cancer and respiratory difficulties such as asthma.

"Studies have consistently shown that raising cigarette costs, in the form of taxes, is one of the most effective ways to reduce smoking. The Campaign for Tobacco-Free Kids has reported that every 10 percent increase in the price of cigarettes will reduce youth smoking by about seven percent and overall cigarette consumption by three to five percent. Additionally, the tax increase contemplated by this measure is supported by Hawaii residents. According to a 2004 survey by Ward Research, a \$1.00 increase in the cigarette tax is supported by 68 percent of Hawaii residents with 57 percent strongly in favor and 11 percent somewhat favor the increase.

"The moneys generated from the increase in the surcharge on cigarettes will help fund important health programs. Fifty percent of revenues will be used by the Department of Health and the Hawaii Tobacco Prevention and Control Trust Fund for tobacco cessation and tobacco use prevention as well as other healthy Hawaii initiatives. The remaining 50 percent will provide a dedicated funding stream for the Cancer Research Center of Hawaii, which is one of only 61 National Cancer Institute designed centers in the country. These funds will enable the Center to expand research initiatives, establish treatment services not currently available here for certain cancer patients and make cutting edge treatments and medical trials available to Hawaii residents. With dedicated, increased funding and expanded services to become a comprehensive center, the CRCH will be in a more competitive position to retain their National Cancer Institute designation. Since cancer is largely a disease of aging, supporting this state of the art treatment, care and research center will greatly benefit Hawaii residents. By 2030 the number of cancer patients is expected to grow from 5,500 cases a year to over 11,000 a year. With the passage of S.B. No. 2961, Hawaii will be better prepared to take care of the growing number of cancer patients.

"Mr. President and colleagues, S.B. No. 2961 is an important bill because it provides an enhanced deterrent to tobacco use and it generates revenue to fund important health initiatives like the expansion of the Cancer Research Center of Hawaii into a comprehensive research and treatment facility. I urge all my colleagues to join me in supporting this health measure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2761 was adopted and S.B. No. 2961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hogue, Ige, Slom, Trimble, Whalen). Excused, 1 (Hee).

Stand. Com. Rep. No. 2763 (S.B. No. 3224, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2763 was adopted and S.B. No. 3224, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2764 (S.B. No. 3270, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2764 was adopted and S.B. No. 3270, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2771 (S.B. No. 3110, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2771 be adopted and S.B. No. 3110, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak against the measure and said:

"Mr. President, I stand in opposition to this measure.

"The area in question is too small to be useful as a state park. The county declined to purchase it. I think we should let it go. Okay? Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2771 was adopted and S.B. No. 3110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARK ACQUISITIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2772 (S.B. No. 2185, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2772 was adopted and S.B. No. 2185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SERVICE CENTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2784 (S.B. No. 2861, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2784 be adopted and S.B. No. 2861, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Mr. President, I rise in opposition to this measure.

"It creates a special fund. Normally, I let the Senator from Hawaii Kai talk about it, but on the questioning, it was remarkable what the Department of Education said. For they said as much that we really don't need a special fund except that the people in the field are more highly motivated if they think

that the money that is coming from the federal government is their own and is deposited in a special fund. I think this is the most absurd justification that could be given for the creation of yet another special fund.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2784 was adopted and S.B. No. 2861, 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, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Hee, Hooser, Ihara).

Stand. Com. Rep. No. 2787 (S.B. No. 3205, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2787 be adopted and S.B. No. 3205, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

“Mr. President, I rise in opposition to this measure.

“All I seek is credible testimony. Whenever I hear from the chiropractors association they say the cost is going to go down because they’re cheaper than doctors. My response to them is, in a situation like this, there’s both a substitution and an income effect – when something becomes free, more people are going to take advantage of it. The costs are not going down. If we believed every time somebody testified that if we just add another service that the cost to healthcare insurance, for example, would go down, then they’d be much lower today than they actually are and the Senator from Hawaii Kai wouldn’t be getting up so often to rail about them. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2787 was adopted and S.B. No. 3205, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Hee, Hooser, Ihara).

Stand. Com. Rep. No. 2792 (S.B. No. 3253, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2792 was adopted and S.B. No. 3253, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAREGIVING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Hee, Hooser, Ihara).

Stand. Com. Rep. No. 2793 (S.B. No. 3274, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2793 be adopted and S.B. No. 3274, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

“Mr. President, on another bill we provided grants in aid for people giving caretakers or caretaker chores. I don’t see the need for both that and a tax credit. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2793 was adopted and S.B. No. 3274, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LONG-TERM CARE REFUNDABLE CAREGIVER TAX CREDIT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Hee, Hooser, Ihara).

Stand. Com. Rep. No. 2794 (S.B. No. 2156, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2794 was adopted and S.B. No. 2156, 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, 18. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2795 (S.B. No. 2214, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2795 was adopted and S.B. No. 2214, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2798 (S.B. No. 2569, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2798 be adopted and S.B. No. 2569, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure as follows:

“Mr. President, I stand in opposition to this because it actually does not do any good. How long will it take for a fire truck to drive here from California? How long will it take for a bus full of displaced flood victims to drive from Hawaii to the State of Washington? Why is it that the bill that enabled the other 49 states to join the Emergency Management Assistance Compact passed five years ago, but we didn’t joint at that time? It’s probably because they have snowplows. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2798 was adopted and S.B. No. 2569, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2803 (S.B. No. 2897, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2803 was adopted and S.B. No. 2897, 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, 22. Noes, 1 (Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2805 (S.B. No. 2955, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2805 be adopted and S.B. No. 2955, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition and said:

“Mr. President, I rise in opposition to the measure.

“The reason I rise in opposition to the measure is because it talks about preparedness for hurricanes and that the civil defense should take into consideration the largest hurricane that might occur within a 500-year period. I think that that is appropriate, but we should also take into consideration the disaster event that would occur in a 500-year period in history if it were a tsunami. I think we should give equal consideration to hurricanes and tsunamis and we should do it in the law. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2805 was adopted and S.B. No. 2955, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2806 (S.B. No. 2997, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2806 be adopted and S.B. No. 2997, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and stated:

“Mr. President, we spent a great deal of time piddling with the procurement code, first we make or try and make everybody comply and then one by one they complain. Actually, the procurement code really does work if you want to make it work, and most of the time people have problems because they really don’t know how to make it work. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2806 was adopted and S.B. No. 2997, 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, 21. Noes, 2 (Kim, Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2808 (S.B. No. 2957, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2808 be adopted and S.B. No. 2957, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I rise in opposition to the bill.

“While I support alternative energy and I support biofuels and biodiesel, I cannot support a special fund and there’s a hydrogen special fund created. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2808 was adopted and S.B. No. 2957, 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, 22. Noes, 1 (Slom). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2809 (S.B. No. 3105, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2809 was adopted and S.B. No. 3105, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2810 (S.B. No. 3162, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2810 was adopted and S.B. No. 3162, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2811 (S.B. No. 3181, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2811 be adopted and S.B. No. 3181, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

“Mr. President, I rise in opposition to the bill.

“See, when consumers are faced with problems, they always react rationally. When we tax them up to the gills on cans and bottles unfairly and at a burdensome level, they turn to the one area that was exempted – 2 liter bottles, and they started buying that. And every store will tell you that their sales of 2 liter bottles have gone up. Now what we’re trying to do is close that gap and punish these people as well.

“The idea here is for money. It’s not for recycling or not for improvement in the environment. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2811 was adopted and S.B. No. 3181, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Hee, Ihara).

Stand. Com. Rep. No. 2812 (S.B. No. 3182, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2812 be adopted and S.B. No. 3182, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition as follows:

“Mr. President, I rise in opposition to this measure.

“During testimony it was reported that this is not a problem in Hawaii but we should enact the law anyway because it might become a problem. I think that this philosophy for legislation is poor, that we cannot possibly legislate against everything that might be a problem.”

Senator English rose to support the measure and said:

“Mr. President, I rise in support.

“MTBE is an additive that’s put into gas in different markets. It’s a known carcinogen and it’s also known to contaminate groundwater. It’s not used in Hawaii and the reason that this is moving is to prevent its use here because we already have enough issues with contaminated groundwater. It is a known substance that contaminates groundwater, and yes, it is not used here.

“This measure simply says that we will not allow its use here. Thank you very much.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2812 was adopted and S.B. No. 3182, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GASOLINE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2815 (S.B. No. 3192, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2815 be adopted and S.B. No. 3192, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and stated:

“Mr. President, I rise in opposition to this measure.

“Sister state relationships are business as well as cultural. I think it’s appropriate that somebody from the business community, say the Chamber of Commerce, also be on this commission. I have no problem with having a commission look at sister state relationships. I’m just concerned about the makeup of the commission. Thank you.”

Senator Slom rose to speak in opposition as follows:

“Mr. President, I, too, rise in opposition to the bill.

“My opposition, however, is with the whole process. We’ve had establishing sister relationships with the state for several decades now. We have sister relationships with the City and County of Honolulu. I think that the people of Hawaii fail to see benefits from most of these relationships and I think what we really need here is an inventory and looking back at some of these relationships and why they were made and what the progress or what the actual impact has been. I don’t know, maybe we should look into having some brother relationships too. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2815 was adopted and S.B. No. 3192, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2819 (S.B. No. 2360, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2819 be adopted and S.B. No. 2360, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition as follows:

“Mr. President, I rise in opposition to this measure.

“My opposition is limited in scope. It has to do with the fact that DLNR does not have expertise in this issue. I think it’s important before we pass this law that we hear from the coast guard, and I also think that it’s appropriate that the person from DLNR that seeks to take command of a vessel or have it removed from a reef do so only with consultation with the coast guard. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2819 was adopted and S.B. No. 2360, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GROUNDED VESSELS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2828 (S.B. No. 2550, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2828 be adopted and S.B. No. 2550, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“I agree there is a problem in Kakaako. I support many measures that seek to address the problem. I just don’t think this particular measure is the right measure at this time. Thank you.”

Senator Slom rose in support of the measure as follows:

“Mr. President, I rise in support of this bill.

“The Committee Chair and a number of other Legislators worked very diligently during the summer trying to bring some hope and some benefits to some of the small business merchants in the area, notably the Queen Street merchants. I think this is the work that finally came out and I congratulate them for their efforts.

“When we talked to the HCDA and the new executive director – I think he means well – at least he was accessible and he met with us and all that, but when he was giving the goals and the objectives of the Honolulu Community Development Authority, he kept forgetting to mention small businesses. And I think that’s part of the problem – that everybody seems to forget small businesses and that’s what this area of Kakaako was all about. This is what gave us the backbone and the jobs and the creation and all of that.

“And so, I personally don’t like the idea of having to have legislation to name and set out this district, but it seems that’s the only way because the administration has not been very supportive of this area as well. So, I strongly support what we’re doing here. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2828 was adopted and S.B. No. 2550, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2831 (S.B. No. 2954, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2831 be adopted and S.B. No. 2954, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and stated:

“Mr. President, again I’m forced to vote against a bill which otherwise I would support because it establishes the irrigation repair and maintenance special fund. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2831 was adopted and S.B. No. 2954, 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, 23. Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 2834 (S.B. No. 3077, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2834 was adopted and S.B. No. 3077, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONSERVATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2842 (S.B. No. 54, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2842 be adopted and S.B. No. 54, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and stated:

“Mr. President, I rise in opposition to this measure and the dozen or so others that seek to tweak the ERS.

“The problem, colleagues, is that we try and be fair. We try to be reasonable and our standards vary from year to year depending upon the number of people involved and the condition of the economy. We don’t need to get involved in trying to be fair and equitable to minutia. All we need to do is change from a defined benefit program to a defined contribution program and then we can get on with the really important measures of this Chamber. Thank you.”

Senator Ihara rose and said:

“Mr. President, I have reservations on this bill.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2842 was adopted and S.B. No. 54, 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, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2843 (S.B. No. 87, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2843 was adopted and S.B. No. 87, S.D. 2, 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, 22. Noes, 2 (Ige, Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2846 (S.B. No. 916, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2846 was adopted and S.B. No. 916, 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, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2848 (S.B. No. 2209, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2848 be adopted and S.B. No. 2209, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

“Mr. President, I stand in opposition to this bill.

“The bill is supposed to go after violators of Chapter 104, prevailing wages and so forth. As testified by the Department of Labor and Industrial Relations, they have that power now. They do that now if there are any violations. This is just additional bureaucracy and additional rights and benefits for the unions that are seeking to harass employers. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2848 was adopted and S.B. No. 2209, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORKS,” 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 (Hee).

Stand. Com. Rep. No. 2852 (S.B. No. 2416, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2852 was adopted and S.B. No. 2416, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE REHIRING OF RETIREES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Hee).

Stand. Com. Rep. No. 2853 (S.B. No. 2546, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2853 be adopted and S.B. No. 2546, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Slom rose in opposition to the measure and said:

“Mr. President, I rise in opposition to this bill.

“It always scares me whenever any bill, whether it’s about education or economic development or anything else, talks about an authority. Here we’re talking about a construction authority, construction task force and authority.

“The testimony was that the industry seems to be taking pretty good care of itself. They seem to know what’s happening and they have good communication, and to create yet another part of bureaucracy is unnecessary and costly. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2853 was adopted and S.B. No. 2546, 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, 18. Noes, 5 (Hemmings, Hogue, Slom, Trimble, Whalen). Excused, 2 (Hee, Tsutsui).

Stand. Com. Rep. No. 2854 (S.B. No. 2616, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2854 be adopted and S.B. No. 2616, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Slom rose to speak against the measure as follows:

"Mr. President, here I am again at our annual meal break bill to vote against it. We have a bill that's introduced every year. There's no problem but there would be a problem if the bill were enacted into law because we've heard testimony from individuals and businesses that their particular practices do not allow for a mandated specified time for a break. It's not that they don't give the meal breaks, because they do. If they didn't give breaks, they would be in violation of existing labor law.

"What this does is not take cognizance of what happens in various industries, what the practices are, what both labor and management have to say about their processes. So, again it's a symbolic bill. It's fun that it's introduced every year, but we don't need it and it does have unintended consequences. 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. 2854 was adopted and S.B. No. 2616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Noes, 7 (Hemmings, Hogue, Ige, Sakamoto, Slom, Trimble, Whalen). Excused, 2 (Hee, Tsutsui).

Stand. Com. Rep. No. 2855 (S.B. No. 2640, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2855 be adopted and S.B. No. 2640, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and said:

"Mr. President, I stand to vote against this bill.

"Again, what this seeks to do is draw more people out of the EUTF and to extend VEBA type organizations to all labor organizations. While the HSTA made this a major point of their lobbying for the last several years and won the day last year, of all the unions they were the most responsive to the legislative auditor several years ago in providing information though they did not provide all of the financial information. Several of the other unions that would benefit from this bill provided no information or false information.

"So this would not be a good move to expand this until we see what happens with the law that we passed last year. Thank you."

Senator Hanabusa rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this measure.

"Mr. President, like the previous speaker said, this whole idea of how we handle our healthcare costs, in terms of the actual healthcare benefits the state provides its employees, was the subject of a 1999 audit by the legislative auditor which resulted in the creation of the EUTF. Since then, there've been efforts to actually undo what the EUTF has done and we all know, especially those who sit in Ways and Means and the Finance Committees, the effect of that bill and the cost savings that we have seen as a result.

"But more importantly than that, Mr. President, we have to all remember why we created the EUTF. We created the EUTF because what we had was one of the worst things any employer wants, which is a discriminatory practice among its employees. We not only had unions that were able to cherry pick among its members so certain members were given benefits, but if you had a large family, you were basically told to go to the state because if you stay with us, you're going to pay thousands of dollars more in your healthcare benefits.

"So, because of the porting situation, we had a situation where people with large families, retirees, those who retired before the age of 65, were all put into the state health fund. And what that benefited, of course as we all know, was the percentage determined what was ported to the respective unions. We all had to stop and think, is this where we're going to go? Are we going to go bankrupt the state on this? But more importantly than that, what about the retirees? That's always been my compelling argument as to why we needed the EUTF.

"Mr. President, as we know, what was happening and what happens in the private sector, where I know the most about, you had retirees who were promised that they would be able to have health benefits into the future. And what would happen? Because retirees are not a mandatory subject of bargaining, Mr. President, if anybody lost benefits, it was retirees. First they would say, well, you just have to do a co-pay. Then it was, well, you know, we're going to cover part of your premium. Then it was, you go and cover yourself in Medicare. Then it was, maybe we'll give you \$50.00. And in some unions, Mr. President, some very large unions, they can't offer any coverage at all.

"What the state has been able to do, Mr. President, is keep its word to its retirees by creating the EUTF. This is by risk sharing among everyone. That was the reason why, though a bill didn't make it through, Mr. President, the retirees came before the Labor Committee and said do not, do not put us into the respective VEBA plans. Let us stay in the EUTF because they know that's their best protection. They have no standing in this bill. Their rates are going to be negotiated by a union that does not represent them anymore.

"Yes, for those who are retired they get a one-time in or out. They get to opt in, but they don't get to opt-out. And for those who are working now, you do not have the option to opt into the EUTF. You are going to stay in your respective union plans. And if you remember why, that was because those were the promises that they made and said, 'of course we'll take our retirees because that's the way it's going to work.'

"So why is it that the retirees themselves who are usually very quiet, who support their unions, talk to us on the side, why have they come forward and say do not put us into any of these respective plans? The reason was because they know what's going to happen. And the question comes back to what do we do? Do we keep our word?

"This S.B. No. 2640 is also an attempt to do a pilot. Mr. President, what we should do is let the HSTA's pilot work its way through and to show us whether it works or not, instead of



implementing another pilot. Because if you would look at S.B. No. 2640, it does not have the same language as the HSTA bill. Remember, the HSTA bill was negotiated and worked on by the attorney general in charge of the EUTF. It had different kinds of cautionary language. And in fact, my concern was that bill gave the attorney general and the members a lot more power in terms of challenging the benefits than the ERISA plans do. I happen to know about ERISA plans. It would be very interesting to see how it works its way through.

“And as the good Senator from Hawaii Kai pointed out, the newspapers have referenced the latest action by the attorney general for \$46 million against two of the union plans; because we did not have the information and are going through an audit at great cost to the state. Forensic accountants or CPAs, whatever you want to call them, were hired out-of-state to come in and review all of these records. They had to reconstruct it. And that’s where the \$46 million came from. We also know that HSTA had \$16 million, which they are banking on as the basis for their VEBA.

“Bottom line is, let the HSTA’s plan show us whether it works before you do this. Or at the very minimum, if you’re going to do this, then do it so it’s the same with the HSTA. Why does the HSTA that did cooperate a lot better than everyone else did when the legislative auditor did the audit, why are they now held to a more stringent standard than the unions that didn’t cooperate and cost us all this money to go do this audit?

“So Mr. President and members, I know it is not popular to say to unions that, no, you cannot have what you want all the time, but this bill, at the very least, is premature. And at the very least it’s discriminatory between a union that has already agreed to go through the process. We pass one bill for that union and we pass another bill for the other unions? That’s not what we’re about.

“EUTF was a creation to level the playing field for everyone so a UPW worker with five kids could have the same rights and benefits as another union member with one kid. And remember, that’s what we didn’t have in the individual health funds. We did not have that. If you had the perfect size family, you were given the benefit. But if you even deviated from that, you couldn’t do it. Now, EUTF gives everyone the opportunity to have their child covered while they go to college. The benefits are across the board what everyone else offered. Yes, it may cost some members more money. Because they no longer have the benefit of the cherry picking.

“We are here to treat employees the same whether you’re the governor of the State of Hawaii or you’re somebody out there cleaning our fish ponds. It’s the same. That’s what makes employers good employers. That is what we’re talking about here.

“So Mr. President, members, I ask that you vote S.B. No. 2640, S.D. 1, down because it’s discriminatory. It doesn’t do what we want to do as employers and as a state body, and think about the retirees – they know. That’s why they’re coming to us and asking us not to put them into those plans because they know what’s going to happen. They know they’re going to be left out there. They don’t have representation with the respective unions. They’re not even covered under Chapter 89 anymore. Where in this bill does it say that the union even has an obligation to think about their best interest? It doesn’t say it.

“So, for these reasons, members, do the right thing and vote down this measure. Thank you.”

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

“Mr. President, I also rise in opposition.

“I think that the good Senator from Waianae made some very, very good points. I have supported the legislation the past couple of years, which has helped the teachers, and I think a lot of people here have backed up that legislation. One of the reasons we did that is because of figures that were given to us in regards to the impact of a VEBA for the teachers and also because they willingly negotiated and listened to what the state had to say.

“So, I think that the Senator from Waianae has made some excellent points and that we should not go forward with this legislation until we see whether in fact the legislation we put forward for the teachers does in fact work. We want to support the teachers and help our kids and education, but we don’t want to go too far and end up costing the taxpayers what could amount to millions of dollars if we are wrong and this legislation goes forward.

“So, I urge you to continue to support what we have supported the last couple of years with the teachers but to vote ‘no’ against this legislation. Thank you.”

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. 2855 was adopted and S.B. No. 2640, 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, 15. Noes, 9 (Hanabusa, Hemmings, Hogue, Kim, Kokubun, Nishihara, Slom, Trimble, Whalen). Excused, 1 (English).

Stand. Com. Rep. No. 2856 (S.B. No. 2643, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2856 was adopted and S.B. No. 2643, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (English).

Stand. Com. Rep. No. 2857 (S.B. No. 3009, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2857 was adopted and S.B. No. 3009, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT 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 (English).

Stand. Com. Rep. No. 2858 (S.B. No. 3011, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2858 was adopted and S.B. No. 3011, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW,” 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 (English).

Stand. Com. Rep. No. 2859 (S.B. No. 3012, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2859 was adopted and S.B. No. 3012, 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, 22. Noes, 2 (Hogue, Trimble). Excused, 1 (English).

Stand. Com. Rep. No. 2860 (S.B. No. 3020, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2860 was adopted and S.B. No. 3020, S.D. 2, 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, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (English).

Stand. Com. Rep. No. 2861 (S.B. No. 3022, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2861 was adopted and S.B. No. 3022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 3 (Hogue, Slom, Trimble). Excused, 1 (English).

Stand. Com. Rep. No. 2862 (S.B. No. 3031, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2862 was adopted and S.B. No. 3031, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNINTERRUPTED MEDICAL TREATMENT FOR WORK-RELATED INJURIES," 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. 2863 (S.B. No. 3034, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2863 was adopted and S.B. No. 3034, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," 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. 2864 (S.B. No. 3035, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2864 was adopted and S.B. No. 3035, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 2869 (S.B. No. 2072, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2869 was adopted and S.B. No. 2072, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ATHLETIC HEALTH CARE TRAINERS IN PUBLIC SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2870 (S.B. No. 2229, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2870 be adopted and S.B. No. 2229, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and stated:

"Mr. President, I rise in opposition to this measure.

"Our schools are going to be getting into the second mortgage business – second mortgages that can be made at interest rates between 0 and 8 percent, second mortgages that can be made up to 30 percent of the purchase price of the home. I think, colleagues, that this is ripe for misuse and therefore I'll be voting 'no' and I encourage you to do likewise. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2870 was adopted and S.B. No. 2229, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2873 (S.B. No. 2648, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2873 be adopted and S.B. No. 2648, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition as follows:

"Mr. President, I rise in opposition.

"Colleagues, I, by all means, support our veterans, but the bill as originally drafted would cost more than what it would do. I'm sure that it costs us more than \$50,000 to create a new law, but this bill originally would have set aside \$50,000 to print a newsletter for veterans.

"I am bothered by the fact that, one, there was never a demonstrated need for a newsletter; second, that we are not seeking to use a website as a method of communicating with our veterans; and third, there was never demonstrated that a person who would need the services that were provided would actually look at the newsletter. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2873 was adopted and S.B. No. 2648, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," having

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

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2877 (S.B. No. 2705, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2877 was adopted and S.B. No. 2705, 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, 1 (Ige).

Stand. Com. Rep. No. 2879 (S.B. No. 2708, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2879 was adopted and S.B. No. 2708, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," 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. 2886 (S.B. No. 2836, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2886 was adopted and S.B. No. 2836, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2888 (S.B. No. 2884, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2888 was adopted and S.B. No. 2884, 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, 1 (Hemmings).

Stand. Com. Rep. No. 2889 (S.B. No. 2886, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2889 be adopted and S.B. No. 2886, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

"Mr. President, I rise in opposition to this measure.

"Colleagues, in this case we're having education by fiat. There are no things that potentially are not within . . . things that are beyond our powers. But giving degrees by fiat, I think, is not something we should be doing. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2889 was adopted and S.B. No. 2886, 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, 1 (Trimble).

Stand. Com. Rep. No. 2890 (S.B. No. 2956, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2890 be adopted and S.B. No. 2956, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Hogue rose in support of the measure and said:

"Mr. President, I rise in support of this particular measure here.

"I see that it has a name now – Fix Hawaii Schools Act – and certainly the schools should be fixed. I'm in support of us spending money for repair and maintenance. We absolutely have to do that. We talked about our surveys that went out earlier. I was glad to see that the fine folks of Kalihi are just as smart as the folks from Kaneohe and Kailua. I'm sure that you've also gotten similar results in your surveys where they said that the number one priority was to fix the schools. Let's get the schools fixed. Let's get them up to snuff.

"My concern continues to be, and I ask the Chair of the Education Committee if we could have a special hearing or informational briefing just on the process of repair and maintenance. I know a number of us have asked questions at our Committees on specific bills, but we are all perplexed as to why it takes so long to get our schools fixed. I know that there are a variety of reasons and people continue to go to their schools and say, why is it that this has been on the backlog list for so many years, and why do we have cracks in the ceiling, and why do we have buildings that haven't been painted? And maybe the problem is with the Department of Education and maybe it's with DAGS and maybe it's with the construction industry that is just absolutely overburdened at this particular point, but we've got to facilitate this particular process. Maybe we just need to get a working group together and find out ways that we can help in this process as well.

"So, I'm glad that we're putting money forward. I hope we continue to put money forward and to find ways to improve this system so that in fact we can fix the schools. We have to fix them now and we have to fix them forever, and we have to get to the bottom of this backlog once and for all. Thank you very much."

Senator Slom rose in opposition to the measure and stated:

"Mr. President, I rise in opposition to the bill.

"I don't know of anyone inside or outside this Legislature that does not support fully the repair and maintenance of our public schools but we've been talking about it for 10, 12, 14 years or longer. As the good Senator from Kaneohe said, it is a continuing problem. Nobody likes to do repair and maintenance and yet that's what you have to do on any structure.

"Earlier this year we already had a debate as to how much money had been spent, how much money is in the fund, how much money has been released, and my problem with this bill, again, is that it creates a construction special fund. I don't think creating another special fund is going to get the schools repaired faster and I do think that it certainly is going to make it harder to track where the money is and what the actual amounts are.

"And so, as long as we keep doing this and creating all these special funds, we're going to make it more and more difficult not only for the average citizen, but also for people in elected office, appointed office, in the government itself to try to track

the money and where the money actually is going, how much is actually being released, how much is being spent. So, I'm sorry that again we have to use this subterfuge of a special fund because that's what it is. That's what the auditor said years ago. That's what the Tax Foundation has said. It is not an honest way of doing accounting and trying to find the total amounts if that's what we're looking for. Thank you."

Senator Sakamoto rose to support the measure and said:

"Mr. President, I rise in support of the measure.

"Certainly we all agree, as articulated here, we need to fix our schools. Let me respond to the Senator from Kaneohe on the comments about the process. I think what we've done in recent past is the DAGS process collapsed that into the Department of Education process so that we don't have the finger pointing or the excuses back and forth. So, we've worked together to do part of that. Going forward we can ask the department again to help us be clear on understanding the current process, work with budget and finance so we can better understand their process because a few months ago there was confusion over how much money is available, how much money is in the backlog, etc. I believe we've made strides to get on the same page.

"In regard to the special fund, the Senator from Hawaii Kai points in that direction, this particular special fund would help construction of new schools in a different manner. When we do things in a different manner, I think it's trying to set aside money so it doesn't get intermingled and misused or not used. So this fund aims to do another mechanism to construct the schools like a certificate of participation and if money were put in that type of fund and used appropriately, that would be a mechanism to construct a school or some schools in a quicker manner."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2890 was adopted and S.B. No. 2956, 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, 1 (Slom).

Stand. Com. Rep. No. 2893 (S.B. No. 3059, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2893 was adopted and S.B. No. 3059, 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, 1 (Slom).

Stand. Com. Rep. No. 2895 (S.B. No. 3101, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2895 be adopted and S.B. No. 3101, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition and stated:

"Mr. President, I rise in opposition to this measure.

"We'll be creating an authority and we'll be placing this new authority into the Department of Education, which for all intents and purposes is autonomous. I can't support this kind of structure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2895 was adopted and S.B. No. 3101, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD 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. 2896 (S.B. No. 3102, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2896 was adopted and S.B. No. 3102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," 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. 2898 (S.B. No. 3194, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2898 be adopted and S.B. No. 3194, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Mr. President, I rise in opposition to this measure.

"Every year we have powerful Committee Chairs who try to come up with who can come up with the most money given out in the form of tax credits. Yes, it does rain in places other than Manoa and I do oppose a \$250 tax credit for teachers. Among other things, this bill does not give a tax credit to all teachers and I'm just kind of curious why we're discriminating against private school teachers as if they are less deserving. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2898 was adopted and S.B. No. 3194, 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, 23. Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 2899 (S.B. No. 3195, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2899 was adopted and S.B. No. 3195, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR 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. 2901 (S.B. No. 3275, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2901 be adopted and S.B. No. 3275, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

"Mr. President, I rise in opposition to this bill.

"We talked about this bill in Ways and Means and it seems here that the determining factor is whether a student has

insurance or not so that the insurance can be tapped to pay for assessments – assessments of drug use and abuse. And my question at the time was, what happened to our zero tolerance policy? I thought zero tolerance meant zero tolerance. If somebody violated that, used drugs on campus or an abusive substance, they were removed.

“Now, I was told by a member of the Ways and Means Committee, the Chairman of the Education Committee that in fact we no longer have a zero tolerance policy in the public schools which was news to me. I want to confirm that right now and that the idea is we’re going to give these students another chance, more assessments, charge their insurance or charge the taxpayers for money.

“So, if I’m wrong, I’d like to be corrected, but if there is no zero tolerance policy, I want to ask why. I think the community still thinks that there is. We talk about it a lot. I think it does a lot of harm to good students, to good parents, all these programs that we have that we subsidize – anti-drug, anti-substance abuse – and then we’re saying we’re going to give you one more chance. Let’s have one more chance after zero tolerance.

“So, that’s what I want to know – What is it? Do we have zero tolerance or don’t we? Thank you.”

Senator Sakamoto rose to speak in favor of the measure and said:

“Mr. President, I rise in support of the measure.

“I don’t want to get into the semantics of whether we have a zero tolerance because I’m not the board of education or I don’t want to speak for them. There may indeed still be a board of education policy or department policy that says zero tolerance policy, but I know in the practicalness of it, students get messed up in substance abuse and to have them sitting on the street or rummaging through your garage or doing something else doesn’t make sense.

“This measure hopes to help those students who get identified. But you can’t just help them by saying we’re going to do X, Y, or Z. They would need an assessment. So this measure would help them get treated properly and if the assessment and the treatment in general in a layman’s sense gets approved, then they would be allowed back in school. So they’re not automatically back in school but this would allow a mechanism for them to get rehabilitated and treated.”

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

“Mr. President, I rise in opposition to this measure.

“What we are witnessing is a bureaucracy that is trying to say no. And the way the bureaucracy says no is they say, well, we don’t have money to do this. We’ve got a Department of Education with over a billion dollar budget that can’t find money in the budget to pay for that small group of people that need an ‘assessment’ to return to school. And so the way they say it is, well, we simply don’t have money in our budget to do this . . . BS.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2901 was adopted and S.B. No. 3275, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS,” 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. 2902 (S.B. No. 2067, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2902 be adopted and S.B. No. 2067, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Hogue rose and said:

“Mr. President, I rise, actually, to ask a question, if I could, because I need a clarification from the Chair of Ways and Means. Is this money coming from the hurricane fund? In other words, is money being raided from the hurricane fund, the principal or the interest? I know that we’ve had this discussion previously and I have in some cases money coming out of the interest, but my constituents have said that they do not want the hurricane fund to be raided. So, can you help me out here. Is this money coming directly from the hurricane fund? Does it represent principal? Thank you.”

Senator Taniguchi responded:

“Mr. President, I will respond. We did amend it to take the money from the hurricane reserve trust fund.”

Senator Hogue further inquired:

“And so that means, yes, it comes from the hurricane fund? Correct. Okay. Okay, so I’ll be voting ‘no.’ Thank you.”

Senator Taniguchi requested the following remarks be inserted into the Journal. The Chair having so ordered, Senator Taniguchi’s remarks read as follows:

“Mr. President, I rise to speak in support of S.B. No. 2067, S.D. 1.

“Mr. President, nearly 15 years ago, Hawaii was devastated by Hurricane Iniki. The question I ask is not if another hurricane will strike, but when. As Hurricane Katrina showed the nation and the world, hurricanes do not discriminate – their path of destruction hits everyone in its path.

“However, Mr. President, the residents of Hawaii can prepare for the next hurricane by strengthening their residential structures through installation of hurricane clips, window protection, and other mitigation devices, including the construction of a safe room.

“One of the most damaging effects due to a hurricane is wind damage, especially in situations where homes lose their rooftops. Not only are the contents of the home ruined, but the flying debris impacts nearby structures.

“The loss mitigation program was established several years ago, and last year was the first year the program has received funding. People in all coastal states are realizing that mitigation is the best means to deal with the onslaught of a hurricane. This program will help prevent injuries and fatalities and reduce property losses. Many will benefit from this program.

“I urge my colleagues to support this bill. Thank you, Mr. President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2902 was adopted and S.B. No. 2067, 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, 4 (Hemmings, Hogue, Slom, Trimble).

Stand. Com. Rep. No. 2904 (S.B. No. 2143, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2904 be adopted and S.B. No. 2143, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and stated:

“Mr. President, I rise in opposition to this measure.

“Colleagues, every year I get to rise and speak and we take the vote and it’s 24 or 23 to 1, and yet next year I get the opportunity to rise yet another time.

“The only thing different this year is that it’s no longer being proposed as a money laundering bill collection, but merely a money transmitter bill. And the second difference is this year they’ve got a paid lobbyist going from office to office to tell us how much consumers need protection.

“The truth of the matter is that people that send their money home know how to get it home and word gets around very quickly if there’s a problem. We don’t hear testimony for consumers that say yes, we want to pay more to send our money home, and that’s exactly what’s going to happen if we pass this bill. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2904 was adopted and S.B. No. 2143, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 2914 (S.B. No. 2958, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2914 be adopted and S.B. No. 2958, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak with reservations on the measure and said:

“Mr. President, I rise to express reservations. I’ll be voting ‘yes, with reservations.’

“Going home should be free. An interesting book written about 15 years ago is titled Miles from Nowhere. People seem to wind up at the end of the road. They run out of money and they have no means to go home.

“I think if we are seriously going to approach the housing problem, we need a long term shift, a GMO, so to speak, and going home or leaving Hawaii should be free. You shouldn’t necessarily have to be destitute for us to have a public policy of helping those that need to go home get home. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2914 was adopted and S.B. No. 2958, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2915 (S.B. No. 3112, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2915 was adopted and S.B. No. 3112, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Senator Inouye, Chair of the Committee on Transportation and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following governor’s messages and resolutions:

- Gov. Msg. No. 256;
- Gov. Msg. No. 257;
- Gov. Msg. No. 275;
- Gov. Msg. No. 277;
- S.C.R. No. 33;
- S.C.R. No. 35;
- S.C.R. No. 38;
- S.R. No. 17; and
- S.R. No. 18.

Senator Inouye noted:

“Mr. President, your Committee on TGO would like to hear these measures to clear the calendar for pending crossover bills from the House in an expeditious manner.”

The Chair then granted the waiver.

At 4:44 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:44 o’clock p.m.

**ADJOURNMENT**

At 4:45 o’clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o’clock a.m., Thursday, March 9, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate