

FIFTEENTH DAY

Thursday, February 8, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Klayton Ko, First Assembly of God, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

The President announced that she had read and approved the Journal of the Fourteenth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 285 to 394) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 285, dated January 24, 2007, transmitting the State of Hawai'i's Sister State/Cities Program Report, prepared by the Department of Business, Economic Development and Tourism, Strategic Marketing and Support Division, pursuant to Section 201-84, HRS, was placed on file.

Gov. Msg. No. 286, dated February 7, 2007, transmitting a Progress Report on the Development of a Comprehensive Trauma System Plan for Hawaii, prepared by the Department of Health pursuant to H.C.R. No. 88 (2006), was placed on file.

Gov. Msg. No. 287, dated January 30, 2007, transmitting the Annual Report on the Mental Health and Substance Abuse Special Fund, prepared by the Department of Health pursuant to Section 334-15, HRS, was placed on file.

Gov. Msg. No. 288, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of MARK DUNTON HUNSAKER, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, the nomination of DUANE C.K. LAU, term to expire June 30, 2010, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, the nomination of TEENA M. RASMUSSEN, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Board of Directors of the Agribusiness Development Corporation, the nomination of DAVID G. RIETOW, term to expire June 30, 2010, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Board of Agriculture, the nomination of LAURIE KWAI-HOON HO, term to expire June 30, 2010, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Board of Directors of the Aloha Tower Development Corporation, the nomination of NEAL MASAHIRO OTANI, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Kaua'i Aquatic Life and Wildlife Advisory Committee, the nomination of EDSON A. MARTIN, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 295, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of LANA KAUIPUNA ALAPA, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 296, submitting for consideration and confirmation to the State Board of Barbering and Cosmetology, the nomination of CHRISTOBAL JUAN QUINTANA, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 297, submitting for consideration and confirmation to the State Boxing Commission of Hawai'i, the nomination of DELLA K. MARTIN-YOUNG, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of CLAYTON YUGAWA, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 299, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of FRANCIS G. BREWER DC, CICE, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 300, submitting for consideration and confirmation to the State Board of Chiropractic Examiners, the nomination of GINA KIM DC, DAAPM, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of GERALD L. COFFEE, term to expire June 30, 2011, was referred to the Committee on Intergovernmental and Military Affairs.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of CORAL WONG PIETSCH, term to expire June 30, 2011, was referred to the Committee on Intergovernmental and Military Affairs.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Civil Rights Commission, the nomination of LISA ANN S. L. WONG, term to expire June 30, 2011, was referred to the Committee on Intergovernmental and Military Affairs.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Hawai'i Community Development Authority (HCDA), the nomination of GRADY L. CHUN, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 305, submitting for consideration and confirmation to the Hawai'i Community Development Authority (HCDA), the nomination of PAUL KEN KIMURA, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nomination of ELAINE LOUISE HOGUE, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nomination of WAYNETTE HOKWON, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 308, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nomination of ANNA K. RIBUCAN, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 309, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nomination of ANNA MARIE P. SPRINGER, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Contractors License Board, the nomination of F. M. SCOTTY ANDERSON, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 311, submitting for consideration and confirmation to the Contractors License Board, the nomination of ERIC LYLE CARSON, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Contractors License Board, the nomination of RONALD KIYOSHI OSHIRO, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Credit Union Advisory Board, the nomination of TIMMY LEE ALBAO, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 314, submitting for consideration and confirmation to the Crime Victim Compensation Commission, the nomination of LISA ANN ASCHENBRENNER DUNN, term to expire June 30, 2011, was referred to the Committee on Public Safety.

Gov. Msg. No. 315, submitting for consideration and confirmation to the Defender Council, the nomination of JULIE KAI BARRETO, term to expire June 30, 2011, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Defender Council, the nomination of MICHELLE L. DREWYER, term to expire June 30, 2011, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of RYAN S. USHIJIMA, term to expire June 30, 2011, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of JEFFREY K. MIYAZAWA DDS, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Board of Dental Examiners, the nomination of MELANIE BILBAENO VALLEJOS DDS, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 320, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of MARGARET MARY BAXTER, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 321, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PAUL K. HIGA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 322, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of CHARLOTTE HAUNANI LOSA KAMAUOHA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 323, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of BERNADETTE LUCY KELIIAA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 324, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of DEBORAH JEANE RIVERS, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 325, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of PAUL S. VARGAS JR., term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 326, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of RONALD KATSUMI AWA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 327, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of PATRICIA MARILYN NIELSEN, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 328, submitting for consideration and confirmation to the Disability and Communication Access

Board, the nomination of MARK T. OBATAKE, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 329, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nomination of DANIEL J. VARGAS, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 330, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of NORMAN N. AHU, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 331, submitting for consideration and confirmation to the Board of Electricians and Plumbers, the nomination of TYRUS ISAO KAGAWA, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 332, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nomination of STEVE AKIO TSUNEMOTO, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 333, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of MILLICENT LILLIAN WELLINGTON, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 334, submitting for consideration and confirmation to the Endangered Species Recovery Committee, the nomination of CLIFFORD W. MORDEN, term to expire June 30, 2009, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 335, submitting for consideration and confirmation to the Environmental Council, the nomination of DAVID ATKIN, term to expire June 30, 2011, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 336, submitting for consideration and confirmation to the Environmental Council, the nomination of DAVID SPENCER BYLUND, term to expire June 30, 2011, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 337, submitting for consideration and confirmation to the Environmental Council, the nomination of CHESTER ISAMU SAITO, term to expire June 30, 2011, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 338, submitting for consideration and confirmation to the Environmental Council, the nomination of MARY STEINER, term to expire June 30, 2011, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 339, submitting for consideration and confirmation to the Environmental Council, the nomination of PAULETTE BO LIN UJIMORI, term to expire June 30, 2011, was referred to the Committee on Energy and Environment.

Gov. Msg. No. 340, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of DONALD S.M. CHANG, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 341, submitting for consideration and confirmation to the Hawaiian Homes Commission, the

nomination of TRISH K. MORIKAWA, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 342, submitting for consideration and confirmation to the Board of Health, the nomination of PAULA A.Y. ARCENA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 343, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of EMMET WHITE, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 344, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of GLENN SOICHI IZAWA, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 345, submitting for consideration and confirmation to the Health Planning Council, Tri-Isle Subarea, the nomination of ELAINE JULIA SLAVINSKY, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 346, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nomination of ANDREW DON MD, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 347, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Health Systems Corporation, the nomination of ROSANNE C. HARRIGAN EDD, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 348, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of BRIAN J. GOLDSTEIN, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 349, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of ORION KOPELMAN, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 350, submitting for consideration and confirmation to the Board of Directors of the High Technology Development Corporation, the nomination of SHARON MARIE WONG, term to expire June 30, 2011, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 351, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of CAROL H. MCNAMEE, term to expire June 30, 2011, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 352, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of MARIE H. WEITE, term to expire June 30, 2011, was referred to the Committee on Transportation and International Affairs.

Gov. Msg. No. 353, submitting for consideration and confirmation to the Board of Directors of the Hawai'i Hurricane Relief Fund, the nomination of THOMAS G. SINGLEHURST, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 354, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of WAYNETTE KAM YAU CABRAL, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 355, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of DARA YUKIKO FUKUHARA, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 356, submitting for consideration and confirmation to the Island Burial Council, Islands of Kaua'i and Ni'ihau, the nomination of CLISSON KUNANE AIPOALANI, term to expire June 30, 2010, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 357, submitting for consideration and confirmation to the Kaneohe Bay Regional Council, the nomination of DAVID A. KRUPP PHD, term to expire June 30, 2011, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 358, submitting for consideration and confirmation to the Board of Land and Natural Resources, the nomination of ROBERT J. PACHECO, term to expire June 30, 2010, was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Gov. Msg. No. 359, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of LAURA Y. CHOCK, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 360, submitting for consideration and confirmation to the Board of Massage Therapy, the nomination of WILFRED S. PANG, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 361, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawai'i Service Area Board, the nomination of ANDREW DAVID BISSET, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 362, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, the nomination of JANA HERKES, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 363, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kaua'i Service Area Board, the nomination of MARY ANN MORISHIGE, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 364, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of VIRGINIA RUTH SHAW, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 365, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Maui Service Area Board, the nomination of PHIL E. KAY, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 366, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of BELINDA A. ANDERSON, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 367, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of PETER DEAN GONZALEZ, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 368, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of DONNA DARLENE HANSEN, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 369, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of RICHARD CHARLES JACKSON, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 370, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of SANDRA JANE MIYOSHI, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 371, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of JOY E. PATTERSON, term to expire June 30, 2011, was referred to the Committee on Health.

Gov. Msg. No. 372, submitting for consideration and confirmation to the State Council on Mental Health, the nomination of G. NOELANI WILCOX, term to expire June 30, 2008, was referred to the Committee on Health.

Gov. Msg. No. 373, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of STEVEN J.T. CHOW, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 374, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of BILL W. GREEN, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 375, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nomination of DUANE JIRO OZAKI, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 376, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of JERE HU ENG LOO OD, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 377, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nomination of JOY BERNADETTE YUKUKO SHIMABUKU, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 378, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of GWEN T. CHINN, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 379, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of MICHAEL WARREN RUFINO, term to expire June 30, 2011, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 380, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of MICHAEL DEAN TURNER, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 381, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of JANICE T. KEMP, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Gov. Msg. No. 382, submitting for consideration and confirmation to the Procurement Policy Board, the nomination of PAMELA A. TORRES CPCM, term to expire June 30, 2010, was referred to the Committee on Tourism and Government Operations.

Gov. Msg. No. 383, submitting for consideration and confirmation to the Board of Registration of the Islands of Kaua'i and Ni'ihau, the nomination of PATRICK JOHNSTON CHILDS, term to expire June 30, 2011, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 384, submitting for consideration and confirmation to the Board of Registration of the Islands of Kaua'i and Ni'ihau, the nomination of DANIEL KAWAMURA, term to expire June 30, 2010, was referred to the Committee on Judiciary and Labor.

Gov. Msg. No. 385, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of LARRY GELLER, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 386, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of JONATHAN J. CHUN, term to expire June 30, 2009, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 387, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of KATIE KEIM, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 388, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of HOWARD ALAN LESSER, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 389, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of JULIE KAY SMITH, term to expire June 30, 2010, was referred to the Committee on Human Services and Public Housing.

Gov. Msg. No. 390, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of BRUCE E. BUCKY, term to expire June 30, 2010, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 391, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of PETER YUKIMURA, term to expire June 30, 2009, was referred to the Committee on Economic Development and Taxation.

Gov. Msg. No. 392, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of CYNTHIA L. STINE, term to expire June 30, 2011, was referred to the Committee on Intergovernmental and Military Affairs.

Gov. Msg. No. 393, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of WILLIAM T. HONJIYO, term to expire June 30, 2011, was referred to the Committee on Intergovernmental and Military Affairs.

Gov. Msg. No. 394, submitting for consideration and confirmation to the Advisory Board on Veterans' Services, the nomination of GILBERT N. HOUGH, term to expire June 30, 2009, was referred to the Committee on Intergovernmental and Military Affairs.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 36) was read by the Clerk and was deferred:

Senate Concurrent Resolution

No. 36 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND SATURDAY IN OCTOBER AS 'E HO'OLA I NA ALA HELE DAY' - 'TO GIVE LIFE TO THE TRAILS DAY'."

Offered by: Senators Whalen, Inouye, Kokubun.

STANDING COMMITTEE REPORTS

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 47) recommending that S.B. No. 615, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 615, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN PRACTICES," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 48) recommending that S.B. No. 835 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 835, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com.

Rep. No. 49) recommending that S.B. No. 936, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE AT THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 50) recommending that S.B. No. 1093, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 1093, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN HEALTH CONSENSUS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 51) recommending that S.B. No. 1784, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 1784, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII NATIVE HAWAIIAN PROGRAMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 52) recommending that S.B. No. 731, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 731, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAX," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 53) recommending that S.B. No. 1077 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1077, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 54) recommending that S.B. No. 1247, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No.

1247, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 55) recommending that S.B. No. 763 pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 763, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 56) recommending that S.B. No. 1962, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1962, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 57) recommending that S.B. No. 623 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 623, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 58) recommending that S.B. No. 897, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 897, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 59) recommending that S.B. No. 710, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 710, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 60) recommending that S.B. No. 880, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 880, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 61) recommending that S.B. No. 928 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 928, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A REGULATORY BOARDS AND COMMISSIONS ADMINISTRATIVE ASSISTANT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 62) recommending that S.B. No. 1396, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1396, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR ENERGY STAR RATED APPLIANCES," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 63) recommending that S.B. No. 1610 pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1610, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 64) recommending that S.B. No. 1686, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1686, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ANTARA MEDICAL TRUST FUND," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Kokubun, for the majority of the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 65) recommending that S.B. No. 849 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," passed Second Reading and was placed on the calendar for Third Reading on Monday, February 12, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 66) recommending that S.B. No. 259, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 259, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COMMUNITY CENTER," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Nishihara, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Tourism and Government Operations, presented a joint report (Stand. Com. Rep. No. 67) recommending that S.B. No. 715, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 715, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kokubun and Nishihara, for the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Tourism and Government Operations, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 68) recommending that S.B. No. 718, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the majority of the Committees was adopted and S.B. No. 718, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 69) recommending that S.B. No. 933 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 933, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Menor and Kokubun, for the Committee on Energy and Environment and the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 70) recommending that S.B. No. 598, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 598, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 71) recommending that S.B. No. 1350, as amended in S.D. 1, pass Second Reading and be referred to the

Committee on Commerce, Consumer Protection and Affordable Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Affordable Housing.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 72) recommending that S.B. No. 1758 pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1758, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS INCUBATOR PROGRAM," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 73) recommending that S.B. No. 1133, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Menor, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 74) recommending that S.B. No. 644, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 644, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 75) recommending that S.B. No. 1098, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1098, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY SELF-SUFFICIENCY," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 76) recommending that S.B. No. 1222, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed Second Reading and was

referred to the Committee on Economic Development and Taxation.

Senators Ige and Inouye, for the Committee on Health and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 77) recommending that S.B. No. 11, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.B. No. 11, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAX ON HEALTH CARE," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

ORDER OF THE DAY

THIRD READING

S.B. No. 618:

On motion by Senator Inouye, seconded by Senator Sakamoto and carried, S.B. No. 618, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 840:

On motion by Senator Kokubun, seconded by Senator Tokuda and carried, S.B. No. 840, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 950:

On motion by Senator Kokubun, seconded by Senator Tokuda and carried, S.B. No. 950, entitled: "A BILL FOR AN ACT RELATING TO TARO," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 958, S.D. 1:

Senator Kokubun moved that S.B. No. 958, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tokuda.

Senator Kokubun rose to speak in favor of the measure and said:

"Madam President, I stand in favor of S.B. No. 958, S.D. 1.

"Madam President, if you recall, we had similar measures that we addressed in Session last year. I rose in opposition to those matters at that time primarily because the Legislature had acted to establish a working taskforce with the Hawaii Farm Bureau Federation to look into coexistence, as it was named at that time. The idea was that the farm bureau would convene a meeting of farmers of different cultivation techniques, whether they were organic, whether they were traditional methods of farming or scientific methods. Essentially, the idea was to try

to gain some sort of consensus around the issue of the use of genetically modified organisms.

“Although the draft report has been submitted to the Department of Agriculture, it has yet to come out in its final form. However, I was able to see a copy of the draft report and it appears that there was some progress made by this coexistence working group, and in fact there was general agreement on three best management practices. So I think the coexistence discussion, although not complete and probably still in need of refinement, has gone a long way in terms of just bringing the different sorts of practitioners of agriculture to the same table to discuss in fact where there might be some common ground.

“Because that process has begun and because I’m very hopeful and optimistic that they can continue their discussion, I am changing my position, in a sense, with respect to this particular bill. I think when we heard discussion about this bill, which specifically addresses a moratorium on any genetically modified research on taro, the difference for me at this point in time really came about because of the input from the farming community and because of the input particularly from Native Hawaiian cultural practitioners. It was clear to me, and made even clearer, that taro signifies a very, very important and significant part of the heritage for Native Hawaiians. I’m sure there are others here who have better expertise in this area, with respect to kalo being a direct relative, if you will, for the beginning, the genesis of Native Hawaiian people.

“So, for me, kalo represents a significant component of that cultural heritage, and for that reason, I agreed to approve this moratorium for ten years. It’s not something that will go on forever, but I think the fact that there was a request for a moratorium for ten years really recognizes the significance of kalo to the Native Hawaiian people. And for that reason, Madam President, I’m asking my colleagues to support this measure.

“Thank you.”

Senator Whalen rose to oppose the measure as follows:

“Madam President, I rise in opposition to the bill.

“I believe this bill is unconstitutional based on the very speech that the good Chairman of Water, Land just gave. We’re not supposed to enact any law that respects the establishment of a religion, and the bill, in and of itself, clearly identifies this bill as pertaining to protect the spiritual religious beliefs of certain Hawaiian people.

“Whether it’s the host culture or not, we’re still bound by our federal constitution not to pass any bills respecting the establishment of religion, and since this bill is clearly intended to prevent scientific research based on a religion, I believe it’s unconstitutional and I’ll be voting ‘no.’”

Senator Inouye rose in opposition and said:

“Madam President, I will be voting ‘no’ as well on this measure, S.B. No. 958, S.D. 1. I have remarks I’d like to submit into the Journal.

“I do agree, though, that we certainly need to recognize the importance of kalo. Our wish is to at least separate the Chinese taro from this measure, then research can be continued by the University of Hawaii. Since we will not be doing that, Madam President, I will be voting ‘no’ and I have further remarks I’ll insert into the Journal.

“Thank you.”

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

“Dear Senator Lorraine Inouye,

I am one of your constituents who lives in Pepeekeo. Earlier, I sent you the update of my research to improve disease resistance of Chinese taro through genetic engineering (GE). This update can be downloaded at the following URL: <http://www.ctahr.hawaii.edu/gmo/documents/Update-GE-Dec14-06.pdf>.

I am attaching my written testimony against SB958. I believe that it is possible to have a win-win situation here. Co-existence of both GE Chinese taro and Hawaiian taro varieties is possible, because: a) Chinese taro rarely flowers under the environmental conditions of Hawaii; and b) Hawaiian taro varieties rarely produce viable seed in Hawaii. There is an extremely low risk of movement of transgenes from GE Chinese taro to Hawaiian taro varieties.

Please step up and be a leader in this issue. Yes, the anti-GMO group might have collected 800 signatures against GMO taro. However, how many of these people have really thought through the consequences of passing such a bill? You are a Senator and need to look at the long-term view not just the short-term fears.

Genetic engineering technology might be the only way to save taro in Hawaii if the deadly Alomae-Bobone viral complex ever reaches Hawaii from the Solomon islands or Cook islands. A 10-year moratorium will put an end to my research to improve disease resistance of Chinese taro through genetic engineering. Such a bill might discourage scientists from working on taro at all even when the 10-year moratorium ends, because they will be afraid that the extremist native Hawaiians might object to their research. I have talked to a lot of native Hawaiians, and they do not agree with the views of the extremists - they just want lots of poi on their table at a reasonable price and of good quality.

Best wishes,
Susan C. Miyasaka

Senate Bill: 958

Name: My name is Dr. Susan Miyasaka and I am testifying today as a private citizen. I am an Agronomist at the University of Hawaii’s College of Tropical Agriculture & Human Resources. I am the lead scientist in a research project to increase disease resistance of Chinese taro through genetic engineering (GE).

Position: AGAINST.

Why are we doing this research on GE Chinese taro? To improve the disease resistance and yield of Chinese taro. In ancient Hawaiian times, taro yields averaged 48,000 pounds per acre. In 2005, average yields were 11,000 pounds per acre; this is a reduction of 78%. Taro yields in Hawaii were at an all-time low in 2005 (since 1946 when records began). This decrease is partly due to diseases such as pocket rot and leaf blight.

What is our research progress on GE Chinese taro? We have inserted disease resistance genes into the Chinese taro variety Bun long. Recently, we found in tissue culture that one GE Chinese taro line with the wheat oxalate oxidase gene was able to completely stop the spread of *Phytophthora* leaf blight.

Reasons to vote against the bill:

1. There is a risk if this bill passes, that the taro industry could die off in Hawaii due to pests and diseases. It has taken us over 6 years to produce several GE Chinese taro lines that appear to have increased disease resistance against Phytophthora leaf blight. To place a moratorium on growing GE Chinese taro lines in the laboratory, greenhouse, and field would end our ability to find out whether this new biotechnology could increase disease resistance. If a moratorium had been passed against genetic engineering of papaya 15 years ago, today the papaya industry in Hawaii probably would be dead.

New pests and diseases enter Hawaii all the time. It may just be a matter of time before the Alomae-Bobone viral complex found in the Solomon Islands reaches Hawaii. Hawaiian taro varieties were tested in the Solomon Islands and all were killed by this viral complex. The insect vector required to transmit this viral complex is found in Hawaii. Imagine what would it do to our taro production. It would be foolish to throw away any potential tools that could help to improve taro production in Hawaii.

2. There is little risk of movement of transgenes from GE Chinese taro lines to traditional Hawaiian taro varieties. Chinese taro Bun long rarely flowers under the environmental conditions in Hawaii. Hawaiian taro varieties rarely produce seed that can develop into whole plants, because specialized pollinators are not found here. In order for transgenes to move from GE Chinese taro to Hawaiian taro varieties, Chinese taro would need to flower and produce healthy pollen (rare event), then the pollen would need to move via wind or insects to a female flower in a Hawaiian taro variety, then seed capable of growing into whole plants would need to develop (rare event). In order to produce conventional crosses of taro, breeders must hand-pollinate Hawaiian taro varieties to produce seed capable of growing into whole plants.

3. There is little risk that traditional Hawaiian taro varieties will lose their genetic purity due to GE Chinese taro. Traditional Hawaiian taro varieties are maintained through vegetative propagation ('hulis'). It is easy to distinguish taro produced from seed (very tiny) from those propagated vegetatively from 'hulis'. If seedlings are not desired, they easily could be pulled out to prevent confusion with traditional taro varieties.

4. There is little risk that GE Chinese taro in Hawaii will cause loss of biodiversity in taro. Genetic diversity is defined as the variation in genes within a species, in other words the greater the variation in genes, the greater the biodiversity. The center of origin for taro is thought to be in the Indo-Malaya peninsula and this area probably contains the greatest biodiversity of taro. The taro varieties brought here by the ancient Hawaiians come from a very narrow genetic base with little diversity.

5. There is little risk of food safety problems or increased allergic reactions if GE Chinese taro is commercialized. The federal government requires extensive testing that would identify and eliminate problems prior to commercialization. I am not an expert in food safety of GE crops; I defer to the experts. 'It is the position of the American Dietetic Association that agricultural and food biotechnology techniques can enhance the quality, safety, nutritional value, and variety of food available for human consumption and increase the efficiency of food production, food processing, food distribution, and environmental and waste management. The American Dietetic Association encourages the government, food manufacturers, food commodity groups, and qualified food and nutrition experts to work together to inform consumers about this new technology and encourage the availability of these products in the marketplace.'

Based on scientific evidence, I believe that it is possible to have a win-win situation here. Allow me to continue my research on promising, disease resistant lines of GE Chinese taro in the laboratory, greenhouse, and contained fields. Such research will NOT adversely affect the genetic purity of Hawaiian taro varieties.

Think about the downward trend in taro yield over the past 60+ years. **Ask yourself, will there be taro for future generations to enjoy?**

Please vote against S.B. No. 958."

Senator Hemmings rose to speak against the measure and stated:

"Madam President, I rise to speak against this legislation.

"It defies logic for many ways, but one that's extremely important is that obviously the technology of science nowadays can do much to enhance the value of taro and crops that are going to benefit human kind, including the very cultural group that says it wants protection. That's number one.

"Number two, this ten-year moratorium flies in the face of logic because I believe that the same principles that we're being asked to vote on today to vote in favor of it would be applied ten years from now.

"It doesn't make sense. It's not good for the host culture or for the people of Hawaii. It's not good for the world. GMOs find better ways to produce food that we can all consume so we can survive, and I would suggest the best thing to do is vote this down on the Floor.

"Thank you, Madam President."

Senator Espero rose to speak in opposition as follows:

"Madam President, I will also be voting 'no' on this measure.

"I understand the sensitivity of this issue and the needs of the Hawaiian community to look at taro. However, I believe that the bill is too broad. The ten-year period is too long. And if you look at those who did testify in support of this measure – UH, the Papaya Association Industry, the coffee growers, and many other industries – I feel that if this bill were to be amended to read something to the effect that traditional Hawaiian taro varieties of the species colocasia esculenta, then I believe I'd be able to support it.

"Thank you."

Senator Hooser rose in support of the measure and said:

"Madam President, I rise in support of this bill.

"This bill, as many members recall, was on the Floor last year and I spoke in support then. I'm not sitting on the Committee so I wasn't part of the Committee process, but I did read the committee report and some of the testimony, and I believe it reflects much of the same discussion that occurred last year. Some would try to frame this issue as an anti-GMO bill or an anti-science bill, but I see it as a pro-farmer bill, a pro-Hawaiian bill, and a bill that supports what the people who eat the product want.

"I think the fundamental question here is, Who is entitled to make the decision about the food that we eat? Is it the people that eat the food, in this case, the taro? The primary population

of people who consume taro would be Native Hawaiians. I enjoy a little bit of poi myself, but I think it's primarily the Native Hawaiian population, and they have come out in droves supporting this bill.

"Who grows taro? The farmers. The farmers, from all the testimony I could read and from my experience in the past, the farmers in this case are united. They support this bill and they don't want to risk the contamination that is possible by the inadvertent introduction, if you would, of GMO varieties.

"The farmers are supporting this bill, the consumers are supporting this bill, and the people whose culture is most closely tied to this plant are supporting this bill. So I ask myself, Who's entitled to make the decision? Is it the Native Hawaiian people? Is it the consumers? Is it the farmers? Or is it industry or some scientist in a room somewhere experimenting with the crop? I've come to the conclusion that, fundamentally, the people who are entitled to make this decision are the farmers, Native Hawaiians, and the people who consume the product.

"I encourage my colleagues to vote in support. Thank you, Madam President."

Senator Sakamoto rose in support with reservations and stated:

"Madam President, I rise in support with reservations.

"Hearing the arguments on both sides, certainly the farmers' opinions and cultural practices are very, very important, but so is research. And at this point, I hope the discussion continues, and should the bill not end up in this form, I hope there are improvements to be made.

"Thank you."

Senator Slom rose to oppose the measure as follows:

"Madam President, I rise in opposition to the bill.

"I sat through all of the testimony. I heard all of the arguments and there's a couple things that I think that we may be overlooking or assuming. First of all, no one is questioning the importance of taro, not at all. That's not an issue here. Number two, it's interesting to me that while this is being argued as not an anti-GMO bill, in fact that really is the basis of this legislation. We can talk about cultural sensitivity. We can talk about spirituality and all that, but the fact of the matter is, as was brought up in testimony, the diseases, the eradication of different crops, including taro, are very real.

"The question, I think, before the House is, if you have a problem with the crop, by the time the problem is identified, if you don't have a plan B, if you haven't had testing, if you haven't had research, you will lose that crop. We are all aware, even those of us like me who are not very akamai about flora and fauna, what's happened to the wiliwili trees around our community here when you see dead, brown stalks all around you. And because we did not have something that we could do, it was not a question of saying, well let's start the research now and find out, the damage is already done.

"The other point is, no one is forcing anyone to do anything with the modified crop. The fear that was expressed during the testimony was that the modified crops could contaminate other crops or other taro and force people to use the GMOs. That may be a risk. There's no question about it, but this is not a bill or not an activity where you're saying that a scientist in a locked room or a group of people are going to make a decision

and then everyone else has to follow that decision. That's not the basis for this.

"The fact that we would have a ten-year moratorium, particularly on testing, is amazing to me, particularly when apparently we're going to allow real avian bird flu into this state, into Manoa, into the University of Hawaii, which carries a great many more dangers and is a policy that I think we should question; yet we're going to test things like that but we won't test crops and food products that we wish to preserve and save.

"So, in any case, I don't see the positive nature of this bill, but I see a lot of negatives and I'll be voting against it. Thank you, Madam President."

Senator Menor rose in favor with reservations and said:

"Madam President, I just wanted the record to reflect the fact that I'll be voting in favor of this measure but with strong reservations."

The Chair so ordered.

Senator Hee rose to support the measure and stated:

"Madam President, as the author of the bill, I rise in strong support of the measure.

"A lot of the discussion really is at the heart of this bill and I want to recognize those who have commented on their positions for and against the bill because it really drives the dichotomy behind the bill – of profits, having others tell others what's best for them. For me, I recall the discussion of the farmers. A lot of what some of the previous speakers in opposition to this bill have said has merit, because it's true – we have problems in some of our agriculture industry. The example of wiliwili was brought up. Bunchy top in bananas is a problem. Science can, to some degree, address these problems. Science can, as we know, cause more problems. The rats, the mongoose, African snails, toads, coqui frogs . . . some have come in to solve other problems and caused more problems.

"This bill attempts to address a different approach to solving problems. It is an approach that asks to take preventative measures as opposed to a scientific resolution. For example, many Hawaiians have heart disease, diabetes, hypertension (high blood pressure) and science has addressed it with a pill – Lipitor or any other magic pill. In fact, some of our colleagues here may be taking Lipitor. I'm not one of those, because if we look to the elders, we don't see Spam eaters as opposed to fish, taro and dark greens. There are other ways to address the problems than a magic pill developed by an elitist scientist hidden away in an ivory tower. Don't eat the yolk of the egg – it has a lot of cholesterol – if you have high cholesterol. On the other hand, if you wish to have high cholesterol, eat all the yolks.

"The farmers who look at loliloli or pocket rot and leaf blight have suggested a different way to approach the problem, and that way is through feeding the aina – putting back nutrients into the soil, the aina, that which feeds you . . . ai'ana, aina. To a non-speaker, aina is land. To a Hawaiian, aina is that which feeds you – ai'ana, aina. So it's a different approach to a non-indigene. The problem might be solved by throwing fertilizer pellets at it. To a farmer in Kalihiwai named Chris Kobayashi, who is not Hawaiian, the problem is solved by letting the lo'i rest by putting back into the aina the organic nutrients, as opposed to a packet of Lipitor.

"It's a fundamental difference on approaching a product that happens to be culturally significant but is also a product that is

grown everywhere in the tropics throughout the world, but for a group of indigenous people, like others throughout the world, as rice is to other cultures, is significant.

“Interestingly enough, Ramon de la Pena, a member of the board of regents, one of the foremost experts on taro, when asked during his confirmation last year, did he support the genetic modification of taro, he said, ‘No,’ interestingly enough.

“So while no one could argue, I suppose, that science could solve the problems of the world, similarly, no one could argue that science has caused a lot of the problems. Whether it’s for profit, or expediency, or immediacy, who’s to say? What we do know is that when Cook came in 1778, in his journal he said, ‘The fields were verdant green with taro to support a population of 400,000 people.’ That much we know, and I think we can conclude that Lipitor was not available to that population of 400,000 indigenes.

“So I will support this bill and would ask you for a Roll Call vote. Thank you.”

Senator Hemmings rose in rebuttal and said:

“Madam President, I rise in rebuttal.

“I cannot sit idly by and allow everything that comes to this Floor to turn into racism or class envy. And I cannot allow politically correct history revision to permeate this discussion without rebuttal.

“I’d like to remind us all that some of the elitists and those in the ivory towers that aspersions have been cast upon on this Floor are the very people who through science have rid the world of polio, something I had and my family suffered from. These same elitist scientists and quote, unquote, ‘for profit’ people have eliminated tuberculosis from much of the world. Cancer and other diseases that are afflicting human kind are being relieved by these elitists in their ivory towers. I might further suggest that many of these people are doing these things not for profit but for human purposes.

“I, too, know a little bit about Hawaiian history and I do know that the life expectancy of a Hawaiian in the time of Kamehameha was considerably less, as is the life expectancy of all human kind just a hundred years ago was considerably less than it is now. Why? Because of science, because good men and women, regardless of their race or how much money they’re making, worked hard to make it so.

“This bill, as the previous speaker from Hawaii Kai mentioned, does not say we don’t have a choice. If you’ve got arteriosclerosis or heart disease, you don’t have to take Lipitor. This bill simply gives science the opportunity to give us choices, not take them away.

“Madam President, I don’t want to go through this Session having to stand up to rebut comments made on race or money or class envy. Let’s stick with the issues and argue the merits of the bill based on what it’s doing for the people – all the people – that we took the oath to protect and make the laws for.

“Thank you, Madam President.”

Senator Ige rose and said:

“Madam President, I’d just like to note my support with reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 958, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS,” having been read throughout, and Roll Call having been requested, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 16. Ayes with Reservations, 8 (Fukunaga, Gabbard, Ige, Kim, Menor, Nishihara, Sakamoto, Tsutsui). Noes, 8 (Baker, Espero, Hemmings, Inouye, Slom, Taniguchi, Trimble, Whalen). Excused, 1 (Bunda).

S.B. No. 1531, S.D. 1:

Senator Kokubun moved that S.B. No. 1531, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tokuda.

Senator Whalen rose in opposition to the measure and stated:

“Madam President, I rise in opposition to the bill.

“I’m really concerned about the direction this Body is headed with the importance we’re putting on religious practices. This bill right in its findings says it’s of critical importance to Native Hawaiians for the preservation of their religious practices.

“We do have a constitutional obligation to stay neutral at the very least. Here in the previous bill we banned a certain scientific practice based on religious beliefs and now we’re changing the way we select people to this panel based on religious preferences. I think we’re definitely heading in the wrong direction if we continue to go down this road.

“Again, based on our constitutional obligation, I’ll be voting ‘no.’”

Senator Kokubun rose in support and said:

“Madam President, I stand in support of S.B. No. 1531, S.D. 1.

“Madam President, my good colleague from the west side of the Big Island I think is mistaken in terms of the reference to advocating for religious preference here. Essentially, the language just says that a member of the Coastal Zone Advisory Council should have substantial experience and expertise in traditional Native Hawaiian coastal and ocean usage and practices. I don’t see any reference to specific religious practices. So it’s respect to the resource management practices that are required here.

“Thank you, Madam President.”

Senator Whalen rose again as follows:

“Madam President, just briefly to point out to the Chairman, still speaking in opposition.

“On the first page of the bill, you’ll find what I quoted from right there.”

The motion was put by the Chair and carried, S.B. No. 1531, 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, 23. Noes, 1 (Whalen). Excused, 1 (Bunda).

RE-REFERRAL OF SENATE BILLS

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

Senate Bill	Referred to:
No. 1366	Committee on Economic Development and Taxation, then to the Committee on Ways and Means
No. 1558	Committee on Judiciary and Labor
No. 1570	Committee on Judiciary and Labor
No. 1758	Committee on Water, Land, Agriculture and Hawaiian Affairs, then to the Committee on Ways and Means
No. 1846	Committee on Judiciary and Labor

At 12:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 78) recommending that S.B. No. 797, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 797, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDIT," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 79) recommending that S.B. No. 798, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 798, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 80) recommending that S.B. No. 805, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 81) recommending that S.B. No. 808, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 808, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 82) recommending that S.B. No. 809, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 809, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII MILITARY FAMILY RELIEF SPECIAL FUND," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 83) recommending that S.B. No. 1341, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary and Labor.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1341, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS RELATING TO NATURAL DISASTERS," passed Second Reading and was referred to the Committee on Judiciary and Labor.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 84) recommending that S.B. No. 1625, as amended in S.D. 1, pass Second Reading and be referred jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Transportation and International Affairs.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 1625, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Second Reading and was referred jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Transportation and International Affairs.

Senator Menor, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 85) recommending that S.B. No. 1703, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and S.B. No. 1703, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 86) recommending that S.B. No. 985, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Economic Development and Taxation.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 985, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

TAX CREDITS," passed Second Reading and was referred to the Committee on Economic Development and Taxation.

Senator Baker, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.B. No. 25, and the Chair granted the waiver.

Senator Fukunaga, Chair of the Committee on Economic Development and Taxation, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following Senate Bills:

S.B. No. 302;
S.B. No. 1920; and
S.B. No. 1922,

and the Chair granted the waiver.

ADJOURNMENT

At 12:23 o'clock p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, February 9, 2007.