

FORTY-FOURTH DAY

Wednesday, April 4, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Norman Sakamoto, Hawai'i State Senate, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Forty-Third Day.

Senator Hemmings introduced Donna Kahakui and congratulated her on being the United States recipient of the 2007 Yves Rocher Foundation's Terre de Femmes Award. Accompanying Ms. Kahakui was her father, Kalani Kahakui.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 726 to 728) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 726, dated April 2, 2007, transmitting the Department of Human Services' Annual Report for Fiscal Year 2006, pursuant to Section 346-5, HRS, was placed on file.

Gov. Msg. No. 727, informing the Senate that on April 3, 2007, she signed into law House Bill No. 1226 as Act 5, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," was placed on file.

Gov. Msg. No. 728, advising the Senate of the withdrawal of the nomination of SYLVIA L. STONE to the Mental Health and Substance Abuse, Oahu Service Area Board, under Gov. Msg. No. 633, dated March 27, 2007, was placed on file.

In compliance with Gov. Msg. No. 728, the nomination listed under Gov. Msg. No. 633 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 513 to 522) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 513, returning S.B. No. 1697, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2007, was placed on file.

Hse. Com. No. 514, returning S.B. No. 1287, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2007, in an amended form, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1287, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 515, returning S.B. No. 1816, S.D. 1, which passed Third Reading in the House of Representatives on April 3, 2007, in an amended form, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1816, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 516, transmitting H.C.R. No. 33, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, MATERNAL AND CHILD HEALTH BRANCH, TO STUDY THE ROLE OF GESTATIONAL ENVIRONMENTS, GENTLE BIRTHING PRACTICES, ADULT WELLNESS EDUCATION, DOMESTIC HARMONY AWARENESS, APPROPRIATE AND SUFFICIENT TOUCH, AND THE PRACTICE OF HEALING BIRTH TRAUMA, AND THEIR CONNECTION TO PUBLIC POLICY CONCERNS SUCH AS SUBSTANCE ABUSE, ALCOHOLISM, DOMESTIC VIOLENCE, AND OBESITY," was deferred.

Hse. Com. No. 517, transmitting H.C.R. No. 87, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE UNITED STATES CONGRESS TO CREATE A REPLACEMENT FOR THE OUTDATED FAST TRACK TRADE AUTHORITY SYSTEM SO THAT UNITED STATES TRADE AGREEMENTS ARE DEVELOPED AND IMPLEMENTED USING A MORE DEMOCRATIC, INCLUSIVE MECHANISM THAT ENSHRINES THE PRINCIPLES OF FEDERALISM AND STATE SOVEREIGNTY," was deferred.

Hse. Com. No. 518, transmitting H.C.R. No. 121, H.D. 1, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 121, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF AMBIENT AIR STANDARDS FOR HYDROGEN SULFIDE EMISSIONS TO SUSTAIN AND PROTECT THE NATURAL BEAUTY AND AIR QUALITY OF THE STATE," was deferred.

Hse. Com. No. 519, transmitting H.C.R. No. 127, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO PROCLAIM THE LAST WEEK IN JULY OF EACH YEAR AS CONSERVATION WEEK," was deferred.

Hse. Com. No. 520, transmitting H.C.R. No. 144, H.D. 1, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 144, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII SYSTEM TO PERFORM A FEASIBILITY STUDY FOR IMPLEMENTING A SYSTEM WIDE SENIOR CITIZEN VISITOR PROGRAM FOR SENIOR CITIZEN STUDENTS," was deferred.

Hse. Com. No. 521, transmitting H.C.R. No. 84, which was adopted by the House of Representatives on April 3, 2007, was placed on file.

By unanimous consent, action on H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING ENDORSEMENT OF THE EARTH CHARTER AND ADOPTION OF ITS CENTRAL PRINCIPLES AS PART OF THE FRAMEWORK FOR SUSTAINABLE PLANNING AND DEVELOPMENT," was deferred.

Hse. Com. No. 522, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 272, H.D. 1 (S.D. 1);
H.B. No. 349 (S.D. 1);
H.B. No. 931, H.D. 1 (S.D. 1);
H.B. No. 1104, H.D. 1 (S.D. 1); and
H.B. No. 1248, H.D. 1 (S.D. 1),

was placed on file.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1504) recommending that H.B. No. 275, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1504 and H.B. No. 275, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1505) recommending that H.B. No. 1323, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1505 and H.B. No. 1323, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1506) recommending that H.B. No. 1631, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1506 and H.B. No. 1631, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY BUSINESS INVESTMENT TAX CREDIT," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1507) recommending that H.B. No. 1719, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1507 and H.B. No. 1719, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1508) recommending that H.B. No. 1764, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1508 and H.B. No. 1764, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST HAWAII HEALTH SYSTEMS CORPORATION OR ANY OF ITS REGIONAL SUBSIDIARY CORPORATIONS," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1509) recommending that H.B. No. 1370, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1509 and H.B. No. 1370, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1510) recommending that H.B. No. 1352, H.D. 1, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1510 and H.B. No. 1352, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO PLAN FOR THE FIFTIETH ANNIVERSARY OF HAWAII STATEHOOD," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1511) recommending that H.B. No. 19, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1511 and H.B. No. 19, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1512) recommending that H.B. No. 317, H.D. 2, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1512 and H.B. No. 317, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1513) recommending that H.B. No. 507, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1513 and H.B. No. 507, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1514) recommending that H.B. No. 928, H.D. 1, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1514 and H.B. No. 928, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1515) recommending that H.B. No. 1659, H.D. 2, as amended in S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1515 and H.B. No. 1659, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred until Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1516) recommending that H.B. No. 1338, H.D. 2, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1516 and H.B. No. 1338, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DIVISION OF CONSUMER ADVOCACY," was deferred until Thursday, April 5, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1517) recommending that H.B. No. 598, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1517 and H.B. No. 598, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, April 5, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1518) recommending that H.B. No. 1278, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1518 and H.B. No. 1278, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," was deferred until Thursday, April 5, 2007.

Senator Baker, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1519) recommending that H.B. No. 1377 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1519 and H.B. No. 1377, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," was deferred until Thursday, April 5, 2007.

Senator Baker, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1520) recommending that H.B. No. 1452, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1520 and H.B. No. 1452, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred until Thursday, April 5, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1521) recommending that H.B. No. 119, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1521 and H.B. No. 119, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO AGRICULTURAL WATER SYSTEMS," was deferred until Thursday, April 5, 2007.

Senator Menor, for the majority of the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1522) recommending that H.B. No. 639, H.D. 2, as amended in S.D. 1, 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 H.B. No. 639, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2007.

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. 1523) recommending that H.B. No. 1646, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 1646, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2007.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1524) recommending that H.B. No. 1149, H.D. 1, as amended in S.D. 1, 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 Committee was adopted and H.B. No. 1149, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2007.

Senator Baker, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1525) recommending that H.B. No. 122, H.D. 1, as amended in S.D. 1, 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 Committee was adopted and H.B. No. 122, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 10, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1526) recommending that S.C.R. No. 135, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1526 and S.C.R. No. 135, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EACH COMPLEX WITHIN THE DEPARTMENT OF EDUCATION TO STUDY THE AIR COOLING NEEDS OF THE SCHOOLS WITHIN THE COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," was deferred until Thursday, April 5, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1527) recommending that S.R. No. 90, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1527 and S.R. No. 90, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING EACH COMPLEX WITHIN THE DEPARTMENT OF EDUCATION TO STUDY THE AIR COOLING NEEDS OF THE SCHOOLS WITHIN THE COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," was deferred until Thursday, April 5, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1528) recommending that S.C.R. No. 137 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1528 and S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO DESIGN A LONG-TERM COMPREHENSIVE FINANCIAL PLAN," was deferred until Thursday, April 5, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1529) recommending that S.C.R. No. 53, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1529 and S.C.R. No. 53, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE USE OF COMPACT FLUORESCENT LIGHT BULBS," was deferred until Thursday, April 5, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1530) recommending that S.R. No. 28, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1530 and S.R. No. 28, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING THE USE OF COMPACT FLUORESCENT LIGHT BULBS," was deferred until Thursday, April 5, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1531) recommending that S.C.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1531 and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO SUPPORT PASSAGE OF THE NATIONAL GUARD EMPOWERMENT ACT OF 2007," was deferred until Thursday, April 5, 2007.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 1532) recommending that S.R. No. 65 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1532 and S.R. No. 65, entitled: "SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO SUPPORT PASSAGE OF THE NATIONAL GUARD EMPOWERMENT ACT OF 2007," was deferred until Thursday, April 5, 2007.

Senators Kokubun, English and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs,

the Committee on Transportation and International Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1533) recommending that S.C.R. No. 157 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1533 and S.C.R. No. 157, entitled: "SENATE CONCURRENT RESOLUTION E HO'OKIPA ANA I KA 'AHAHUI KAUMOKU'AINA NO KA HO'ONA'AUAO 'ILIKINI," was deferred until Thursday, April 5, 2007.

Senators Kokubun, English and Sakamoto, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, the Committee on Transportation and International Affairs and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 1534) recommending that S.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1534 and S.R. No. 108, entitled: "SENATE RESOLUTION E HO'OKIPA ANA I KA 'AHAHUI KAUMOKU'AINA NO KA HO'ONA'AUAO 'ILIKINI," was deferred until Thursday, April 5, 2007.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1535) recommending that the Senate advise and consent to the nominations to the Environmental Council of the following:

DAVID ATKIN, in accordance with Gov. Msg. No. 335;

DAVID SPENCER BYLUND, in accordance with Gov. Msg. No. 336;

CHESTER ISAMU SAITO, in accordance with Gov. Msg. No. 337; and

MARY STEINER, in accordance with Gov. Msg. No. 338.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1535 and Gov. Msg. Nos. 335, 336, 337 and 338 was deferred until Thursday, April 5, 2007.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 1536) recommending that the Senate advise and consent to the nominations to the Hawai'i Sister State Committee of the following:

LISA TERUKA MARUYAMA, in accordance with Gov. Msg. No. 478;

SHERRY R. MENOR, in accordance with Gov. Msg. No. 479;

ROMY M. CACHOLA, in accordance with Gov. Msg. No. 567; and

ANITA MAE K. NAONE, in accordance with Gov. Msg. No. 568.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1536 and Gov. Msg. Nos. 478, 479, 567 and 568 was deferred until Thursday, April 5, 2007.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 1537) recommending that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

JOHN B. RAY, in accordance with Gov. Msg. No. 496;

DAVID K. SPROAT, in accordance with Gov. Msg. No. 497; and

JOHN JAY ROMANOWSKI, in accordance with Gov. Msg. No. 534.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1537 and Gov. Msg. Nos. 496, 497 and 534 was deferred until Thursday, April 5, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1500 (Gov. Msg. No. 351):

Senator English moved that Stand. Com. Rep. No. 1500 be received and placed on file, seconded by Senator Inouye and carried.

Senator English then moved that the Senate advise and consent to the nomination of CAROL H. MCNAMEE to the State Highway Safety Council, term to expire June 30, 2011, seconded by Senator Inouye.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1501 (Gov. Msg. No. 352):

Senator English moved that Stand. Com. Rep. No. 1501 be received and placed on file, seconded by Senator Inouye and carried.

Senator English then moved that the Senate advise and consent to the nomination of MARIE H. WEITE to the State Highway Safety Council, term to expire June 30, 2011, seconded by Senator Inouye.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1502 (Gov. Msg. Nos. 340, 341 and 519):

Senator Kokubun moved that Stand. Com. Rep. No. 1502 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

DONALD S.M. CHANG, term to expire June 30, 2011 (Gov. Msg. No. 340);

TRISH K. MORIKAWA, term to expire June 30, 2011 (Gov. Msg. No. 341); and

PERRY O. ARTATES, term to expire June 30, 2011 (Gov. Msg. No. 519),

seconded by Senator Tokuda.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1503 (Gov. Msg. Nos. 357, 470, 471 and 472):

Senator Kokubun moved that Stand. Com. Rep. No. 1503 be received and placed on file, seconded by Senator Tokuda and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Kaneohe Bay Regional Council of the following:

DAVID A. KRUPP PHD, term to expire June 30, 2011 (Gov. Msg. No. 357);

BONNIE K. KAHAPEA-TANNER, term to expire June 30, 2008 (Gov. Msg. No. 470);

ANGELA HI'ILEI KAWELO, term to expire June 30, 2009 (Gov. Msg. No. 471); and

ARTHUR B. MACHADO JR., term to expire June 30, 2010 (Gov. Msg. No. 472),

seconded by Senator Tokuda.

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

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, APRIL 3, 2007

Stand. Com. Rep. No. 1464 (S.C.R. No. 65):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 65, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO HONOR JOHN PAPA 'Ī'Ī BY DECLARING AUGUST 3, 2007, AS JOHN PAPA 'Ī'Ī DAY," was adopted.

Stand. Com. Rep. No. 1465 (S.R. No. 39):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 39, entitled: "SENATE RESOLUTION URGING THE GOVERNOR TO HONOR JOHN PAPA 'Ī'Ī BY DECLARING AUGUST 3, 2007, AS JOHN PAPA 'Ī'Ī DAY," was adopted.

Stand. Com. Rep. No. 1466 (S.C.R. No. 60):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ENCOURAGE THE USE OF THE NAME 'MOKOLI'I ISLET' AND DISCOURAGE THE USE OF ITS POPULAR NAME 'CHINAMAN'S HAT,'" was adopted with Senators Slom and Whalen voting "No."

Stand. Com. Rep. No. 1467 (S.R. No. 36):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 36, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO ENCOURAGE THE USE OF THE NAME 'MOKOLI'I ISLET' AND DISCOURAGE THE USE OF ITS POPULAR NAME 'CHINAMAN'S HAT,'" was adopted with Senators Slom and Whalen voting "No."

Stand. Com. Rep. No. 1468 (S.C.R. No. 62, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A REVIEW OF HOW OTHER STATES AND JURISDICTIONS ENSURE THAT WARRANTIES AND MAINTENANCE AGREEMENTS ARE EITHER EXEMPTED FROM PAYMENT OF ADDITIONAL TAXES OR TAXED AT THE WHOLESALE RATE," was adopted.

Stand. Com. Rep. No. 1469 (S.C.R. No. 155, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 155, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A KAPAA QUARRY ROAD SAFETY TASK FORCE TO CONDUCT A STUDY TO DEVELOP AND RECOMMEND TRAFFIC SAFETY MEASURES FOR KAPAA QUARRY ROAD IN ORDER TO ALLEVIATE DANGEROUS ROAD CONDITIONS AND REDUCE HAZARDOUS DRIVING PRACTICES," was adopted.

Stand. Com. Rep. No. 1492 (S.C.R. No. 138):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT XERISCAPING TO DECORATE ROADWAYS, MEDIAL STRIPS, ROUNDABOUTS AND OTHER AREAS UNDER ITS JURISDICTION," was adopted.

Stand. Com. Rep. No. 1493 (S.R. No. 92):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 92, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO IMPLEMENT XERISCAPING TO DECORATE ROADWAYS, MEDIAL STRIPS, ROUNDABOUTS AND OTHER AREAS UNDER ITS JURISDICTION," was adopted.

Stand. Com. Rep. No. 1494 (S.C.R. No. 89):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 89, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE OFFICE OF HAWAIIAN AFFAIRS NATION-BUILDING PLAN, HO'OUULU LĀHUI ALOHA, TO RAISE A BELOVED NATION," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 1495 (S.R. No. 53):

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

53, entitled: "SENATE RESOLUTION SUPPORTING THE OFFICE OF HAWAIIAN AFFAIRS NATION-BUILDING PLAN, HO'OUULU LĀHUI ALOHA, TO RAISE A BELOVED NATION," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 1496 (S.C.R. No. 102, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 102, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY LABELING REQUIREMENTS RELATING TO THE USE OF HAWAII-GROWN COFFEE NAMES AND STUDY THE EFFECTIVENESS OF THE ADMINISTRATIVE RULES RELATING TO INSPECTION, CERTIFICATION, AND AUDIT REQUIREMENTS FOR HAWAII-GROWN COFFEE," was adopted.

Stand. Com. Rep. No. 1497 (S.R. No. 62, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 62, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY LABELING REQUIREMENTS RELATING TO THE USE OF HAWAII-GROWN COFFEE NAMES AND STUDY THE EFFECTIVENESS OF THE ADMINISTRATIVE RULES RELATING TO INSPECTION, CERTIFICATION, AND AUDIT REQUIREMENTS FOR HAWAII-GROWN COFFEE," was adopted.

Stand. Com. Rep. No. 1498 (S.C.R. No. 103, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 103, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO PROVIDE AN ECONOMIC ANALYSIS OF THE INCENTIVE MEASURES APPROVED FOR IMPORTANT AGRICULTURAL LANDS," was adopted.

Stand. Com. Rep. No. 1499 (S.R. No. 63, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 63, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONVENE A WORKING GROUP OF STAKEHOLDERS TO PROVIDE AN ECONOMIC ANALYSIS OF THE INCENTIVE MEASURES APPROVED FOR IMPORTANT AGRICULTURAL LANDS," was adopted.

THIRD READING

MATTERS DEFERRED FROM TUESDAY, APRIL 3, 2007

H.B. No. 1358, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1358, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURPOSE OF THE HAWAII YOUTH CORRECTIONAL FACILITY," was deferred until Thursday, April 5, 2007.

H.B. No. 17, H.D. 1, S.D. 1:

Senator Sakamoto moved that H.B. No. 17, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tokuda.

Senator Trimble rose in opposition to the measure and said:

“Madam President, I rise in opposition to H.B. No. 17.

“Colleagues, this is a wonderful old measure. Unfortunately, it doesn’t merit becoming law. It does three things. First, it provides that weighted student formulas could be developed at least every two years, which sort of implies that it could be done every year which is under the current statute. Second, it says the when they change the formula they have to have a rationale. It seems kind of silly that if we created the original law and if we looked at the original law it seems pretty obvious that to come to a conclusion they have to have a reason, so it’s already being done. And the third thing that this does is it says they’ve got to tell us what they do, as if we couldn’t find it out anyway.

“It’s a nice measure but it truly doesn’t merit becoming law, and for that reason, I will vote against it.”

The motion was put by the Chair and carried, H.B. No. 17, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 987, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 987, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POLICE OFFICERS,” was deferred until Thursday, April 5, 2007.

THIRD READING

Stand. Com. Rep. No. 1436 (H.B. No. 1902, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1436 be adopted and H.B. No. 1902, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose with reservations and said:

“Madam President, I rise with reservations.

“Colleagues, in today bills, for SPRBs we have a total of \$725 million, and they’re all for good and worthy causes. I just wanted to repeat something I said five years ago and that was that I think that there is a limit in terms of the demand for tax-free state bonds. And so, if we keep expanding the use of SPRBs, sooner or later we might find that the people out there that wish to buy real State of Hawai’i bonds to fund our general obligation indebtedness because there is a substitution effect, we will find if we keep expanding this that the demand for our bonds that we need to send will somehow be affected by the SPRBs.

“For that I’m voting with reservations.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1436 was adopted and H.B. No. 1902, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Trimble). Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1437 (H.B. No. 92, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1437 was adopted and H.B. No. 92, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1438 (H.B. No. 14, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1438 was adopted and H.B. No. 14, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1439 (H.B. No. 13, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1439 was adopted and H.B. No. 13, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1440 (H.B. No. 429, H.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1440 was adopted and H.B. No. 429, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SACRED HEARTS ACADEMY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1441 (H.B. No. 334, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1441 was adopted and H.B. No. 334, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SOPOGY INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1442 (H.B. No. 870, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1442 was adopted and H.B. No. 870, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1443 (H.B. No. 899, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1443 was adopted and H.B. No. 899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED STRATEGIES FOR STATEWIDE FOOD AND ENERGY CROP PRODUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1444 (H.B. No. 506, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1444 be adopted and H.B. No. 506, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose to speak against the measure as follows:

"Madam President, I rise to speak against H.B. No. 506.

"Madam President, colleagues, I'm rising today hopefully planting the seed of thought with you all regarding the future of energy in these islands. I've done so before in speaking against ethanol legislation and it seems in ensuing years since we last spoke on this issue, much has happened in the world of energy. I will point out what was said last year on the ethanol legislation – that ethanol is labor, land and water intensive, draining resources that could be used for other more beneficial purposes such as food and housing.

"I would also like to say that in the world of energy right now, people are pointing to the wonder of Brazil where most of the propulsion of their cars is by ethanol engine fuel produced by sugarcane ethanol. It sounds great. They're growing energy. But what they're not telling you is that a lot of it comes from sugar, and the sugar has to grow, though a water-intensive crop, on drier land. It cannot grow in the wetlands of the Amazon jungle. So the Amazon jungle is being clear cut so they can grow soybeans and other food sources there and timber so they will have enough of the other land to produce sugar for ethanol.

"In third-world countries they're making terrible choices between growing crops for food or for energy and it just does not make sense for Hawai'i to start down the road of building an ethanol-based fuel system for some additional reasons.

"One of the reasons we're having a difficult time weaning ourselves from coal and oil is because Hawaiian Electric has been allowed over the years to invest huge amounts of money into infrastructure for burning of coal and fossil fuels. And the result is there's a great vested commitment to infrastructure for fossil fuels which is hard to wean from. I would like to suggest if we get in place infrastructure for manufacturing, growing, production and distribution of ethanol, and at some future date when we want to convert to a more renewable, cleaner burning energy source for propulsion of our cars, we'll have a difficult time doing so because we'd have to abandon multi-million dollar commitments to the ethanol infrastructure.

"There's no doubt in anybody's mind that the fuel for propulsion of cars in the future is hydrogen. It's tremendously ironic that we're giving a tax credit to an energy source here when we put so many barriers in front of some of our other natural energy sources such as geothermal, which had to go through over 50 permits and are literally paying a royalty to produce an energy that could supply the entire Big Island and

the spillover energy could be used to produce hydrogen, which could be shipped here to Oahu.

"Ethanol sounds wonderful for the short term, but for the long term I would like to caution the Senate that it is not the best choice for the State of Hawai'i, and therefore I would urge my colleagues, as this bill goes to Conference Committee, to consider the long term ramifications and consider investing more in the future rather than in this labor, water and land intensive product.

"I can stand up and safely say these things about the future of hydrogen because there is a jurisdiction in the world that is using it quite effectively. They're producing it from geothermal wells and propelling their ground transportation with hydrogen, and that is Iceland. There also is a hydrogen experiment going on at the military bases, so it is a technology that's within our reaches and if we invest in ethanol now, it will just further delay the development of a cleaner renewable resource that we could have in abundance and protect our crops for future use for food and other beneficial programs.

"Thank you, Madam President and colleagues, I hope that when this bill does pass when it gets to Conference Committee, that some of what I had to say today will be taken into consideration."

Senator Slom rose in opposition and said:

"Madam President, I, too, rise in opposition to this bill.

"I continue consistently to be in opposition to ethanol. As the good Minority Leader has said, we've had more time now to see some of the things that have occurred and it occurs to me it's very difficult for those that believe in agriculture as a food source would support this bill or a continuation of ethanol subsidy. Those that call themselves environmentalists I think have a hard time justifying the continued subsidy of ethanol.

"We were sold a bill of goods that this was going to be good for Hawai'i, was going to be good for Hawai'i's sugar industry, and yet the fact of the matter is we are still importing ethanol from foreign countries and we are still years away from having any local crops and they will be competing for land use and also for food use. I think that what we've seen over the last couple of years are the unintended consequences of ethanol use. Specifically, those that are in the maritime industry or pleasure boats they find that they cannot in fact use ethanol-based fuels. We have found with cars that there is lower efficiency, lower productivity, lower miles per gallon and higher cost, thus defeating the whole purpose of saving energy and saving cost. We have also seen that there has been damage, physical damage to automobiles, so it's raised the cost to consumers in this state.

"So basically, we're looking at a situation where we are asking to subsidize this one form of alternative energy and when we look at all of the cost together we find that really, and rationally, and practically, the costs are higher than what we have been doing. So we should be looking at other sources of energy. We should certainly be encouraging that, but ethanol is not all that is has been cracked up to be.

"Thank you."

Senator Hooser rose to support the measure and stated:

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

"Many of the comments made by the previous speaker certainly have relevance in the big picture, but I think the reality of our energy usage in our state and in the nation is going to be

a portfolio of solutions. Some of it is going to be ethanol, some is going to be bio-diesel, some is going to be wind, hydrogen certainly is going to play a role as well as fossil fuels. I believe it's important that we support this variety. In fact, I think ethanol is not unique in terms of receiving subsidies. I think if we look at all of our energy development, there's one form of subsidy or another in just about every form of energy.

"Certainly in my district, district seven, and in many rural communities where sugarcane is still a very important part of our community and agriculture in general is an important part, this measure and other similar measures that support bio-fuel crops like ethanol are very important. There are projects underway currently being developed and various stages of funding and development that will be utilizing this. I believe that it's important to keep the country green, keep it green, not to extent where we squeeze out food crops. I would agree with the previous speakers.

"But again, this is important to increasing energy dependence so in fact we can grow our own ethanol and other fuels here, and I urge my colleagues to vote in support.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1444 was adopted and H.B. No. 506, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1445 (H.B. No. 1411, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1445 be adopted and H.B. No. 1411, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in favor with reservations and said:

"Madam President, I rise to speak in favor with reservations.

"Some of my colleagues are tired of hearing me say the same old thing all the time about this bill year after year. We talk about conformity with the internal revenue code and yet there is no conformity. When we look at the amount that's given for personal exemption, the person in Hawai'i is worth 1/3 of what the person is when filing our federal income taxes.

"So I think if we're genuinely talking about conformity, if we're concerned about being ranked number one in taxation of the poor, if we want to raise the standard of living, if we want to talk about equality, then conformity should mean just that - we conform with the IRS code and a person, a human being in Hawai'i is worth the same amount as he or she is with the federal tax code.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1445 was adopted and H.B. No. 1411, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Slom). Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 1446 (H.B. No. 1414, H.D. 1, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1446 and H.B. No. 1414, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF TAXATION COUNTY SURCHARGE IMPLEMENTATION COSTS," was deferred until Thursday, April 5, 2007.

Stand. Com. Rep. No. 1447 (H.B. No. 831, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1447 was adopted and H.B. No. 831, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1448 (H.B. No. 1120, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1448 was adopted and H.B. No. 1120, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1449 (H.B. No. 1368, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1449 be adopted and H.B. No. 1368, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to oppose the measure as follows:

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

"A special fund by any other name is still a special fund, and so therefore I'll be voting 'no.'

"Thank you."

Senator Baker rose in support of the measure and stated:

"Madam President, I would just note that the special fund already exists. This is an administration bill to merely change the name to make it more appropriate to the entity that it works with.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1449 was adopted and H.B. No. 1368, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL AND MEDICAL FACILITIES SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1450 (H.B. No. 1007):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1450 was adopted and H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SELF-SUFFICIENCY," having been read

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

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

Stand. Com. Rep. No. 1451 (H.B. No. 1364, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1451 was adopted and H.B. No. 1364, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1452 (H.B. No. 1400):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1452 was adopted and H.B. No. 1400, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1453 (H.B. No. 692, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1453 was adopted and H.B. No. 692, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1454 (H.B. No. 1334, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1454 was adopted and H.B. No. 1334, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1455 (H.B. No. 1014, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1455 be adopted and H.B. No. 1014, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose to speak against the measure as follows:

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

"Briefly and to the point, colleagues, you've heard it before and you're going to hear it many times in the future, education is funded extremely generously by the taxpayers of this state. We do know the budget it approaching \$2.5 billion a year; enrollment is down; the numbers translate to roughly \$12,400 per child. The problem is not lack of money. It's the system is broken.

"I could make the metaphor it's like a farmer going out to the cow every morning and milking the cow and bringing the milk in to feed his children but the bucket he has it in has holes in it.

So he gets in there and decides, well, I'll just go out and squeeze the cow more and see if I can get more milk out of it. What we really need to do is fix the holes in the bucket of public education.

"Public education has not been accountable appropriately. The Department of Education should be audited to find out where the holes are so that we can make more efficient use of taxpayers' money when it comes to educating our children. I think the teachers and children are ultimately the ones losing in a classroom because of the high cost of education as reflected in the cost of the bureaucracy. Preliminarily, when you look at the numbers you can see that that logic may apply.

"So, throwing good money after bad and saying 'yes, we've improved or we've reinvented education, we've reinvented it so well that we have to throw more money at it' just doesn't add up. Madam President and colleagues, sooner or later we have to hold the system accountable. I would say the sooner the better and throwing more money as this bill does under the guise of professional development for teachers is money not well spent.

"Thank you, Madam President."

Senator Trimble rose in opposition and said:

"Madam President, I stand to speak against H.B. No. 1014 but for slightly different reasons.

"Colleagues, this is another wonderful bill. In fact, the only similarity it has with the way it was introduced is its title, relating to education. And by the time it got to Ways and Means, no one submitted comment either for or against it. So we have to go backward in time and see what happened when it was at the Education Committee.

"In the Education Committee, after the hearing, they made eight substantive changes to the bill – number two, removing language, removing the appropriation, removing change to, removing the appropriation, removing amendments to. And so, by the end of the day what you had in this wonderful bill was something that should already be in the Department of Education's budget, which is money for training. So why in God's green earth are we ripping up trees to make paper to have hearings about a bill that should already be in the budget?

"Now if I were as suspicious as my colleague to my right, I would think that the intent is that when it comes back from Conference Committee, it will bear no resemblance to what it is in its current form, but that we'll be lulled into a sense that it is a good bill and we'll all vote in favor of it. And so, to give me a signal that it may not be a good bill, I'm going to vote 'no' now.

"Thank you."

Senator Sakamoto rose in support of the measure as follows:

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

"Whether we're chewing cud and recycling paper or shooting the bull, I believe this measure does help fill some of the holes so we can maintain a qualified teaching force for the students of Hawai'i.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1455 was adopted and H.B. No. 1014, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

Ayes, 21. Noes, 3 (Hemmings, Slom, Trimble). Excused, 1 (Bunda).

At 12:27 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:28 o'clock p.m.

Stand. Com. Rep. No. 1456 (H.B. No. 504):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1456 was adopted and H.B. No. 504, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR LE JARDIN ACADEMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, English, Taniguchi).

Stand. Com. Rep. No. 1457 (H.B. No. 338, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1457 and H.B. No. 338, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred until Thursday, April 5, 2007.

Stand. Com. Rep. No. 1458 (H.B. No. 1361, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1458 was adopted and H.B. No. 1361, H.D. 1, S.D. 1, 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 (Bunda, Taniguchi).

Stand. Com. Rep. No. 1459 (H.B. No. 1907, H.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1459 was adopted and H.B. No. 1907, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1460 (H.B. No. 421, H.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1460 was adopted and H.B. No. 421, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1461 (H.B. No. 1294):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1461 was adopted and H.B. No. 1294, 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, 23. Noes, none. Excused, 2 (Bunda, Taniguchi).

Stand. Com. Rep. No. 1462 (H.B. No. 1287):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1462 was adopted and H.B. No. 1287, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1463 (H.B. No. 1353, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1463 was adopted and H.B. No. 1353, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1376:

On motion by Senator Menor, seconded by Senator Hooser and carried, H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1225:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 345:

On motion by Senator Nishihara, seconded by Senator Kim and carried, H.B. No. 345, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Senator Ige, Chair of the Committee on Health, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 170.

Senator Ige noted:

"Madam President, this deals with asking the State Health Planning and Development Agency to revisit the issue of certain requirements associated with the acquisition of Wilcox Hospital by Hawai'i Pacific Health. Scheduling it for tomorrow would help with our schedule. We have notified all of the

major players involved and they will be able to submit testimony within that timeframe.”

The Chair then granted the waiver.

Senator Baker, Chair of the Committee on Ways and Means, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

- S.C.R. No. 24;
- S.C.R. No. 25;
- S.C.R. No. 74;
- S.C.R. No. 81; and
- S.C.R. No. 115.

Senator Baker noted:

“Madam President, given the time that these must be in position to go to the other Body, this seemed the appropriate time since we were also holding a decision making on one final House bill.”

The Chair then granted the waiver.

At 12:33 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:34 o'clock p.m.

Senator Hee, Chair of the Committee on Judiciary and Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

- S.C.R. No. 153;
- S.C.R. No. 175;
- S.R. No. 106; and
- S.R. No. 114.

Senator Hee noted:

“Madam President, the reason for the waiver request is that in the abundance of caution, we were originally going to schedule these matters for Friday, but we will move them to Saturday. However, we want to put them on the record today.”

The Chair then granted the waiver.

RE-REFERRAL OF A HOUSE BILL

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

House Bill	Referred to:
No. 257, H.D. 1, S.D. 1	Committee on Water, Land, Agriculture and Hawaiian Affairs

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

Senate Concurrent Resolution	Referred to:
No. 169	Jointly to the Committee on Education and the Committee on Human Services and Public Housing

APPOINTMENT OF CONFEREES

S.B. No. 56, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 56, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Nishihara, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 920, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 920, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 921, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 921, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 1528 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1528, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Hee, co-chair; Gabbard as managers on the part of the Senate at such conference.

H.B. No. 25, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 25, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Nishihara, Tokuda, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 158 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 158, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Inouye, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 272, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 272, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Espero, Ihara, Slom as managers on the part of the Senate at such conference.

H.B. No. 349 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 349, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; English, Fukunaga, co-chairs; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 389, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 389, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Nishihara, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 714, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 714, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; English, co-chair; Tokuda, Slom as managers on the part of the Senate at such conference.

H.B. No. 931, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 931, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Tsutsui, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1104, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1104, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Fukunaga, Slom as managers on the part of the Senate at such conference.

H.B. No. 1248, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1248, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Nishihara, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1253, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1253, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Nishihara, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1423 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1423, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Hooser, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1513, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1513, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Nishihara, Gabbard as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:36 o'clock p.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 5, 2007.