

FORTY-SIXTH DAY

Tuesday, April 10, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i Regular Session of 2007, convened at 10:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Frank Chong, AlohaCare, after which the Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 730, dated March 30, 2007, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2006, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 535 to 547) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 535, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 13, H.D. 1 (S.D. 1);
 H.B. No. 14, H.D. 1 (S.D. 1);
 H.B. No. 17, H.D. 1 (S.D. 1);
 H.B. No. 92, H.D. 1 (S.D. 1);
 H.B. No. 334, H.D. 1 (S.D. 1);
 H.B. No. 506, H.D. 1 (S.D. 1);
 H.B. No. 692, H.D. 2 (S.D. 1);
 H.B. No. 831, H.D. 2 (S.D. 1);
 H.B. No. 870, H.D. 1 (S.D. 1);
 H.B. No. 899, H.D. 1 (S.D. 1);
 H.B. No. 1014, H.D. 2 (S.D. 1);
 H.B. No. 1120, H.D. 2 (S.D. 1);
 H.B. No. 1334, H.D. 1 (S.D. 1);
 H.B. No. 1353, H.D. 1 (S.D. 1);
 H.B. No. 1361, H.D. 1 (S.D. 1);
 H.B. No. 1364, H.D. 2 (S.D. 1);
 H.B. No. 1368 (S.D. 1);
 H.B. No. 1411, H.D. 2 (S.D. 1); and
 H.B. No. 1902 (S.D. 1),

was placed on file.

Hse. Com. No. 536, returning S.B. No. 1956, which passed Third Reading in the House of Representatives on April 5, 2007, was placed on file.

Hse. Com. No. 537, returning S.B. No. 55, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 55, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 538, returning S.B. No. 784, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 784, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 539, returning S.B. No. 866, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 866, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 540, returning S.B. No. 1047, which passed Third Reading in the House of Representatives on April 5, 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. 1047, and requested a conference on the subject matter thereof.

Hse. Com. No. 541, returning S.B. No. 1063, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 2007, in an amended form, was placed on file.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 1063, S.D. 1, seconded by Senator Kokubun.

Senator Hee noted:

"Madam President and members of the Senate, the amendments that the House made, frankly, gives some clarity to the bill relating to vacancies. It clearly makes the bill a better bill than when it went from the Senate to the House. I urge my colleagues to vote this bill up.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1063, S.D. 1, and S.B. No. 1063, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," was placed on the calendar for Final Reading on Thursday, April 12, 2007.

Hse. Com. No. 542, returning S.B. No. 1675, S.D. 1, which passed Third Reading in the House of Representatives on April 5, 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. 1675, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 543, transmitting H.C.R. No. 82, which was adopted by the House of Representatives on April 5, 2007, was placed on file.

By unanimous consent, H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING APRIL 30 OF EVERY YEAR AS HAWAIIAN RESTORATION DAY," was referred to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Hse. Com. No. 544, transmitting H.C.R. No. 280, which was adopted by the House of Representatives on April 5, 2007, was placed on file.

By unanimous consent, H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT A STUDY ON CREATING A ONE-STOP PERMIT SHOP FOR RENEWABLE ENERGY PROJECTS," was referred jointly to the Committee on Energy and Environment and the Committee on Economic Development and Taxation.

Hse. Com. No. 545, transmitting H.C.R. No. 129, which was adopted by the House of Representatives on April 5, 2007, was placed on file.

By unanimous consent, H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE GLOBAL DEMOCRACY PROMOTION ACT, WHICH WOULD REPEAL THE 'GLOBAL GAG RULE' AND RELEASE MUCH-NEEDED FUNDS FOR INTERNATIONAL FAMILY PLANNING PROGRAMS," was referred jointly to the Committee on Human Services and Public Housing and the Committee on Transportation and International Affairs.

Hse. Com. No. 546, transmitting H.C.R. No. 291, which was adopted by the House of Representatives on April 5, 2007, was placed on file.

By unanimous consent, H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE WORLD HEALTH ORGANIZATION TO CONFER 'OBSERVER STATUS' UPON TAIWAN IN ORDER TO PERMIT TAIWAN'S PARTICIPATION IN THE WORLD HEALTH ORGANIZATION'S PROGRAMS AND ACTIVITIES," was referred jointly to the Committee on Transportation and International Affairs and the Committee on Health.

Hse. Com. No. 547, transmitting H.C.R. No. 292, which was adopted by the House of Representatives on April 5, 2007, was placed on file.

By unanimous consent, H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE NUUANU-LILIHA CORRIDOR AS THE NUUANU-LILIHA HISTORIC CORRIDOR," was referred jointly to the Committee on Water, Land, Agriculture and Hawaiian Affairs and the Committee on Economic Development and Taxation.

STANDING COMMITTEE REPORT

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 1702) recommending that the Senate advise and consent to the nomination of RUSS K. SAITO as Comptroller of the Department of Accounting and General Services, in accordance with Gov. Msg. No. 265.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1702 and Gov. Msg. No. 265 was deferred until Thursday, April 12, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1621 (Gov. Msg. Nos. 356 and 419):

Senator Kokubun moved that Stand. Com. Rep. No. 1621 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 of the following:

CLISSON KUNANE AIPOALANI to the Island Burial Council, Islands of Kaua'i and Ni'ihau, term to expire June 30, 2010 (Gov. Msg. No. 356); and

CHARLES ANDREW EHRHORN to the Island Burial Council, Island of Oahu, term to expire June 30, 2011 (Gov. Msg. No. 419),

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 THURSDAY, APRIL 5, 2007

Stand. Com. Rep. No. 1622 (S.C.R. No. 194, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 194, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A STUDY ON THE MOLUCCA ALBIZIA TREE," was adopted.

Stand. Com. Rep. No. 1623 (S.C.R. No. 42, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO PROVIDE EXPERIENTIAL LEARNING OPPORTUNITIES FOR STUDENTS," was adopted.

Stand. Com. Rep. No. 1624 (S.R. No. 22, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 22, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO PROVIDE EXPERIENTIAL LEARNING OPPORTUNITIES FOR STUDENTS," was adopted.

Stand. Com. Rep. No. 1625 (S.C.R. No. 113):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 113, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO DEVELOP A SKIN CANCER EDUCATION AND PREVENTION PROGRAM AND COLLECT DATA ON THE INCIDENCE OF ALL FORMS OF SKIN CANCER AMONG RESIDENTS AND TO WORK WITH THE DEPARTMENT OF EDUCATION TO IMPLEMENT A

CANCER AWARENESS PROGRAM IN ALL PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1626 (S.R. No. 70):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 70, entitled: "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF HEALTH TO DEVELOP A SKIN CANCER EDUCATION AND PREVENTION PROGRAM AND COLLECT DATA ON THE INCIDENCE OF ALL FORMS OF SKIN CANCER AMONG RESIDENTS AND TO WORK WITH THE DEPARTMENT OF EDUCATION TO IMPLEMENT A CANCER AWARENESS PROGRAM IN ALL PUBLIC SCHOOLS," was adopted.

Stand. Com. Rep. No. 1628 (S.C.R. No. 202):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 202, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE STATE'S VACCINATION REQUIREMENTS AND DETERMINE WHETHER VACCINATION FOR PNEUMOCOCCAL DISEASE FOR CHILDREN ENTERING CHILD CARE SHOULD BE ADDED TO THE CURRENT LIST OF REQUIRED VACCINATIONS," was adopted.

Stand. Com. Rep. No. 1629 (S.R. No. 129):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 129, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE STATE'S VACCINATION REQUIREMENTS AND DETERMINE WHETHER VACCINATION FOR PNEUMOCOCCAL DISEASE FOR CHILDREN ENTERING CHILD CARE SHOULD BE ADDED TO THE CURRENT LIST OF REQUIRED VACCINATIONS," was adopted.

Stand. Com. Rep. No. 1630 (S.C.R. No. 216):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 216, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE GLOBAL DEMOCRACY PROMOTION ACT, WHICH WOULD REPEAL THE 'GLOBAL GAG RULE' AND RELEASE MUCH-NEEDED FUNDS FOR INTERNATIONAL FAMILY PLANNING PROGRAMS," was adopted with Senators Gabbard, Hemmings, Slom, and Whalen voting "No."

Stand. Com. Rep. No. 1631 (S.R. No. 140):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 140, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE GLOBAL DEMOCRACY PROMOTION ACT, WHICH WOULD REPEAL THE 'GLOBAL GAG RULE' AND RELEASE MUCH-NEEDED FUNDS FOR INTERNATIONAL FAMILY PLANNING PROGRAMS," was adopted with Senators Gabbard, Hemmings, Slom, and Whalen voting "No."

Stand. Com. Rep. No. 1632 (S.C.R. No. 64, 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. 64, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A HAWAIIAN HOMESTEAD COMMUNITY SELF-GOVERNANCE TASK FORCE," was adopted.

At 10:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:52 o'clock a.m.

Stand. Com. Rep. No. 1627 (S.C.R. No. 212, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 1627 and S.C.R. No. 212, S.D. 1, be adopted, seconded by Senator Fukunaga.

Senator Ige offered the following amendment (Floor Amendment No. 20) to S.C.R. No. 212, S.D. 1:

SECTION 1. S.C.R. No. 212, S.D. 1, is amended by amending its title to read as follows:

"REQUESTING THE DIRECTOR OF HEALTH AND THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS WORKFORCE DEVELOPMENT COUNCIL TO CONVENE A TEMPORARY TASK FORCE TO EXAMINE STRATEGIES, OTHER THAN THOSE HAVING TO DO WITH MEDICAL MALPRACTICE LIABILITY AND INSURANCE PREMIUMS, THAT MAY PREVENT THE EXODUS OF PHYSICIANS FROM THE STATE."

SECTION 2. S.C.R. No. 212, S.D. 1, is amended by amending page 2, line 10 to page 3, line 26, to read as follows:

"BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Director of Health and the Department of Labor and Industrial Relations Workforce Development Council are requested to convene a temporary task force to examine strategies, other than those having to do with medical malpractice liability and insurance premiums, that may prevent the exodus of physicians from the State; and

BE IT FURTHER RESOLVED that the Director of Health and the Department of Labor and Industrial Relations Workforce Development Council are requested to include on the temporary task force:

- (1) The Insurance Commissioner;
- (2) The Director of Human Services;
- (3) Physicians;
- (4) A representative from the Department of Commerce and Consumer Affairs' licensing division;
- (5) A representative of the health insurance industry;
- (6) A representative of mutual benefit societies;
- (7) A representative of health maintenance organizations;
- (8) A representative of consumer attorneys;
- (9) A representative of the Hawaii Medical Association;

(10) A representative of the general public; and

(11) Any other members the Director of Health and the Department of Labor and Industrial Relations Workforce Development Council deem advisable; and

BE IT FURTHER RESOLVED that the Director of Health and the Department of Labor and Industrial Relations Workforce Development Council are requested to convene the task force no later than October 1, 2007, and to terminate the task force on September 30, 2008; and

BE IT FURTHER RESOLVED that the Director of Health and the Department of Labor and Industrial Relations Workforce Development Council are requested to submit findings and recommendations, including any necessary proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Directors of Health and Labor and Industrial Relations who, in turn, is requested to notify physicians and representatives of the health insurance industry, mutual benefit societies, and health maintenance organizations, and to the Director of Human Services, the Consumer Lawyers of Hawaii, the Department of Labor and Industrial Relations Workforce Development Council, and the Insurance Commissioner.”

Senator Ige moved that Floor Amendment No. 20 be adopted, seconded by Senator Fukunaga.

Senator Ige noted:

“Madam President, the floor amendment just makes the Department of Labor a co-convenor of the task force as requested by the Department of Health in their testimony. The previous draft of the concurrent resolution did not make that clear.”

The motion to adopt Floor Amendment No. 20 was put by the Chair and carried.

Senator Ige then moved that Stand. Com. Rep. No. 1627 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige moved that Stand. Com. Rep. No. 1627 be received and placed on file, seconded by Senator Fukunaga and carried.

By unanimous consent, S.C.R. No. 212, S.D. 2, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH AND THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS WORKFORCE DEVELOPMENT COUNCIL TO CONVENE A TEMPORARY TASK FORCE TO EXAMINE STRATEGIES, OTHER THAN THOSE HAVING TO DO WITH MEDICAL MALPRACTICE LIABILITY AND INSURANCE PREMIUMS, THAT MAY PREVENT THE EXODUS OF PHYSICIANS FROM THE STATE,” was placed on the calendar for Adoption on Thursday, April 12, 2007.

At 10:55 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:18 o’clock a.m.

THIRD READING

Stand. Com. Rep. No. 1514 (H.B. No. 928, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1514 be adopted and H.B. No. 928, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Chun Oakland then offered the following amendment (Floor Amendment No. 10) to H.B. No. 928, S.D. 1:

SECTION 1. H.B. No. 928, H.D. 1, S.D. 1, is amended by designating sections 1 to 4 as part I.

SECTION 2. H.B. No. 928, H.D. 1, S.D. 1, is amended by adding a new section to be designated as section 5, designating that section as part II, and to read as follows:

“PART II

SECTION 5. Section 346-53, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The director, pursuant to chapter 91, shall determine the rate of payment for domiciliary care, including care provided in licensed developmental disabilities domiciliary homes, community care foster family homes, and certified adult foster homes, to be provided to recipients who are eligible [either] for Federal Supplementary Security Income[;] or public assistance [~~in accordance with state standards~~], or both. The director shall provide for level of care payment as follows:

- (1) For [~~those~~] adult residential care homes classified as facility type I, licensed developmental disabilities domiciliary homes as defined under section 321-15.9, community care foster family homes as defined under section 346-331, and certified adult foster homes as defined under section 321-11.2, the state supplemental payment shall not exceed [~~\$621.90; and~~] \$641.90;
- (2) For [~~those~~] adult residential care homes classified as facility type II, the state supplemental payment shall not exceed [~~\$729.90;~~] \$749.90; and
- (3) For skilled nursing facilities and intermediate facilities, the state supplemental payment shall not exceed \$20.

\$50 of the state supplemental payment shall be retained by the recipient for the recipient’s personal use, except for a recipient who is a resident of a skilled nursing facility or intermediate facility who shall retain \$20 of the state supplemental payment.

If the operator does not provide the quality of care consistent with the needs of the individual to the satisfaction of the department, the department may remove the recipient to another facility.

The department shall handle abusive practices under this section in accordance with chapter 91.

Nothing in this subsection shall allow the director to remove a recipient from an adult residential care home or other similar institution if the recipient does not desire to be removed and the operator is agreeable to the recipient remaining, except where the recipient requires a higher level of care than provided or where the recipient no longer requires any domiciliary care.”

SECTION 3. H.B. No. 928, H.D. 1, S.D. 1, is amended by renumbering sections 5 and 6 as sections 6 and 7, respectively, and designating those sections as part III.

Senator Chun Oakland moved that Floor Amendment No. 10 be adopted, seconded by Senator Ihara.

Senator Chun Oakland noted:

“Madam President, what we have added on as a floor amendment is the content of S.B. No 427, S.D. 2. This is one of two bills that we had moved over to the House with regards to the personal needs allowance. S.B. No. 427 did not move out of Finance and therefore we are basically putting the content of

that bill that is necessary to statutorily authorize DHS to provide an increase in the personal needs allowance into this measure.

“Thank you, Madam President.”

The motion to adopt Floor Amendment No. 10 was put by the Chair and carried.

Senator Chun Oakland then moved that Stand. Com. Rep. No. 1514 be received and placed on file, seconded by Senator Ihara and carried.

By unanimous consent, H.B. No. 928, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOCIAL SERVICES,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

H.B. No. 1836, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 1836, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hee then offered the following amendment (Floor Amendment No. 11) to H.B. No. 1836, H.D. 1, S.D. 1:

SECTION 1. H.B. 1836, H.D. 1, S.D.1, Section 6, is amended by amending page 7, line 21 to read:

“SECTION 6. This Act shall take effect on July 1, 3011.”

Senator Hee moved that Floor Amendment No. 11 be adopted, seconded by Senator Kokubun.

Senator Hee noted:

“Madam President, this bill is so important that the Committee on Judiciary wishes to defect the date so that the House and Senate can confer on this bill.”

Senator Hemmings commented:

“Madam President, I’d like the record to reflect that according to this amendment the Committees will have quite a bit of time to defer on it until 3011.”

The motion to adopt Floor Amendment No. 11 was put by the Chair and carried.

By unanimous consent, H.B. No. 1836, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GAMBLING,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

H.B. No. 1152, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 1152, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hee then offered the following amendment (Floor Amendment No. 12) to H.B. No. 1152, H.D. 1, S.D. 1:

SECTION 1. H.B. 1152, H.D.1, S.D.1, Section 6, is amended by amending page 7, line 17 to read:

“SECTION 6. This Act shall take effect on July 1, 3011.”

Senator Hee moved that Floor Amendment No. 12 be adopted, seconded by Senator Kokubun.

Senator Hee noted:

“Madam President, this bill, like the previous bill, is so important that we will need perhaps until July 1, 3011, to confer with the House.”

The motion to adopt Floor Amendment No. 12 was put by the Chair and carried.

By unanimous consent, H.B. No. 1152, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SENTENCING,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

H.B. No. 1909, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 1909, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Hee then offered the following amendment (Floor Amendment No. 13) to H.B. No. 1909, H.D. 1, S.D. 1:

SECTION 1. H.B. 1909, H.D. 1, S.D.1, Section 6, is amended by amending page 4, line 12 to read:

“SECTION 6. This Act shall take effect on July 1, 3211.”

Senator Hee moved that Floor Amendment No. 13 be adopted, seconded by Senator Kokubun.

Senator Hee noted:

“Madam President, obviously this bill is the most important because we will need 200 more years – until July 1, 3211 – Madam President, to confer with our colleagues in the House.”

The motion to adopt Floor Amendment No. 13 was put by the Chair and carried.

By unanimous consent, H.B. No. 1909, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

Stand. Com. Rep. No. 1617 (H.B. No. 1345, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1617 be adopted and H.B. No. 1345, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Baker then offered the following amendment (Floor Amendment No. 14) to H.B. No. 1345, H.D. 2, S.D. 2:

SECTION 1. House Bill No. 1345, H.D. 2, S.D. 2, is amended by amending section 2(1), on page 1, lines 9-13, by adding the phrase, “in Waimea, lower Hamakua, and North Kohala,” and to read as follows:

“(1) Cover the costs of statewide response and recovery efforts to repair damaged homes, public buildings, transportation infrastructure, utilities, irrigation systems in Waimea, lower Hamakua, and North Kohala, hospitals, and nursing homes, especially on the islands of Hawaii and Maui;”

SECTION 2. House Bill No. 1345, H.D. 2, S.D. 2, is amended by adding a sentence to the end of the first paragraph of section 4, page 4, line 2, to read as follows:

“The appropriation will provide for the emergency repair of the Kohala ditch in North Kohala, including access roads, trails, and flume repairs between the Honokane Nui intake and Niulii weir, and the repair and restoration of the Hulihe’e Palace located in Kailua-Kona.”

Senator Baker moved that Floor Amendment No. 14 be adopted, seconded by Senator Tsutsui.

Senator Baker noted:

“Madam President, colleagues, the language that we wish to amend into this House bill is language that was provided by the Department of Defense and provides additional clarification as to the uses of the emergency appropriation. Thank you.”

The motion to adopt Floor Amendment No. 14 was put by the Chair and carried.

Senator Baker then moved that Stand. Com. Rep. No. 1617 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, H.B. No. 1345, H.D. 2, S.D. 3, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR NATURAL DISASTERS,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

Stand. Com. Rep. No. 1642 (H.B. No. 367, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1642 be adopted and H.B. No. 367, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Baker then offered the following amendment (Floor Amendment No. 15) to H.B. No. 367, H.D. 1, S.D. 2:

SECTION 1. Senate (sic) Bill No. 367, H.D. 1, S.D. 2, is amended by correcting the title to read as follows:

“A Bill for an Act Relating to Substance Abuse.”

Senator Baker moved that Floor Amendment No. 15 be adopted, seconded by Senator Tsutsui.

Senator Baker noted:

“Madam President, colleagues, when we were amending this measure it came back to us with an amended title, which of course is a ‘no, no’ in our business. We cannot amend titles and it wasn’t the Committee’s intent. It was just an inadvertent drafting error. So this will restore the original title and allow the bill to move forward.”

The motion to adopt Floor Amendment No. 15 was put by the Chair and carried.

Senator Baker then moved that Stand. Com. Rep. No. 1642 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, H.B. No. 367, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

Stand. Com. Rep. No. 1663 (H.B. No. 1018, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1663 be adopted and H.B. No. 1018, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Slom then offered the following amendment (Floor Amendment No. 16) to H.B. No. 1018, H.D. 2, S.D. 2:

SECTION 1. House Bill 1018, H.D. 2, S.D. 2, is amended by amending page 19, line 6 to page 20, line 3, to read as follows:

“(q) Class 16. Smoking establishment dispensers’ licenses. A license under this class shall authorize the licensee to sell liquors for consumption in enclosed premises in which smoking, as defined in section 328J-1, and excepted in section 328J-7 is allowed. A licensee under this class shall be issued a license according to the category of establishment the licensee owns or operates. The categories of establishments shall be as follows:

- (1) A standard bar;
- (2) A premise in which live entertainment or recorded music is provided. Facilities for dancing by the patrons may be permitted as provided by commission rules.
- (3) A premise in which a person performs or entertains unclothed or in attire restricted to use by entertainers pursuant to commission rules; or
- (4) A premise in which employees or entertainers are compensated to sit with patrons, regardless of whether the employees or entertainers are consuming nonalcoholic beverages while in the company of the patrons pursuant to commission rules.

SECTION 2. House Bill 1018, H.D. 2, S.D. 2, is amended by adding a new Section 8 to read as follows:

“SECTION 8. Section 328J-1, Hawaii Revised Statutes, is amended by amending the definitions of “bar” and “restaurant” to read as follows:

““Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises regardless of whether food is served, including but not limited to taverns, cocktail lounges, and cabarets, including outdoor areas of bars[-]; provided that establishments operating with a class 16 license issued under section 281-31 shall not be included.

“Restaurant” means an eating establishment, including but not limited to coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere[-]; provided that establishments operating with a class 16 license issued under section 281-31 shall not be included. The term “restaurant” includes a bar area within the restaurant and outdoor areas of restaurants.””

SECTION 3. House Bill 1018, H.D. 2, S.D. 2, is amended by adding a new Section 9 to read as follows:

“SECTION 9. Section 328J-7, Hawaii Revised Statutes, is amended to read as follows:

“~~[H]§328J-7~~ **Exceptions.** Notwithstanding any other provision of this chapter to the contrary, the following areas shall be exempt from the provisions of sections 328J-3, 328J-4, and 328J-5:

- (1) Private residences, except when used as a licensed child care, adult day care, or health care facility;
- (2) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided that not more than twenty per cent of rooms rented to guests in a hotel or motel may be so designated. All smoking rooms on the same floor shall be contiguous and smoke from these rooms shall not infiltrate into areas where smoking is prohibited under this chapter. The status of

- rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms;
- (3) Retail tobacco stores; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter;
- (4) Establishments operating with a class 16 smoking establishment dispensers' license issued under section 281-31;
- [(4)] (5) Private and semiprivate rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted; provided that smoke from these places shall not infiltrate into areas where smoking is prohibited under this chapter;
- [(5)] (6) Outdoor areas of places of employment except those covered by the provisions of sections 328J-3 and 328J-5;
- [(6)] (7) All areas covered by this chapter when smoking is part of a production being filmed; and
- [(7)] (8) State correctional facilities.”

SECTION 4. House Bill 1018, H.D. 2, S.D. 2, is amended by renumbering Sections 8 and 9 as Sections 10 and 11, respectively.

Senator Slom moved that Floor Amendment No. 16 be adopted, seconded by Senator Trimble.

Senator Slom noted:

“Madam President, in our rush last year to pass the very comprehensive smoking bill and ban, there were a number of intended and unintended consequences, and one of the major unintended consequences was to harm a number of small businesses in our community statewide, and also deny adults choices for which they could utilize a lawful activity. This amendment seeks to remedy that by establishing a new classification of establishment. It would require that bars and/or restaurants would go through this process in order to get that classification but that the smoking ban, the total smoking ban would then not be affected in these areas that have this class of license.

“I think it’s very important, colleagues, that we realize that to protect one’s health is one thing, but to destroy a business or an entire industry is something else. I think that what we’ve seen over the last several months is that there are certain choices that can be made by adults freely and that we should not inhibit those choices.

“It’s also ludicrous to me, colleagues, that we still, in that bill that we passed last year and enacted into law, allowed only one classification of people to be exempt – and that is convicted criminals incarcerated in Hawai‘i penal institutions. If we don’t make some changes in this bill for a lawful activity, we are creating criminals out of law-abiding citizens. And Madam Chair, this bill is so important that it would become effective upon approval.

“Thank you.”

Senator Nishihara rose to speak against the floor amendment and said:

“Madam President, I speak against this amendment.

“The Senate Health heard this and decided to hold this measure to allow smoking in establishments operating under a class 16 license. Their objections were that there was a change in policy on January 1st, which was effective January 1st of 2007, and this would be a rush to judgment, so claims of

financial hardship may be premature because in other jurisdictions where smoking bans were enacted, the initial outcome may have been a diminishment of business, but over the succeeding periods, a recovery had occurred.

“Secondly, the issue of secondhand smoke and its health hazards impacts workers who may not have a choice over their conditions of their employment. In light of our opening invocation as to the affirmation of Ha, the breath of life, this amendment may be contradictory.

“I ask you to oppose the amendment. Thank you.”

Senator Slom rose in rebuttal as follows:

“Madam President, a brief rebuttal.

“If there was any rush to judgment, the rush to judgment was last year when we passed this bill. We passed it against testimony that was offered. If we need to see any evidence of hardship or loss of income from individual businesses, we have seen that all this Session. Colleagues, I know that you have been visited by bar owners and small businesspeople who, unlike their opponents, reach in their own pocket, pay their own expenses, pay their own transportation, including a group that’s come from the Big Island today, from Kona, to be here with you.

“So, for us to say that it does not affect them, I think is very degrading and very patronizing. And for us to say ‘well, in other jurisdictions,’ hey, we’re in this jurisdiction, we’re in Hawai‘i. We have the power to make the choices here. We made the wrong choice in terms of banning a lawful activity and a lawful substance for those people that given the God-given right and Ha, the breath of life, to make choices, are denied those choices. And as far as employees in any activity, no employee is forced to continue or to start in that activity, especially when we have the lowest unemployment rate in the entire nation. There are plenty of jobs that go begging.

“So, if anybody feels that it is in their best interest not to work in this atmosphere, then they are free to do it and they will suffer no penalty for it. So I would urge my colleagues to think about the businesses and the individuals that we have harmed with this legislation.

“Thank you.”

Senator Baker rose in opposition to the floor amendment and stated:

“Madam President, I rise in opposition to this amendment.

“Madam President, when your colleagues and committees deliberated on this matter last year, the overwhelming sentiment in the community was then and remains that Hawai‘i needs to be smoke free. It’s good public policy; it’s good health policy and, quite frankly, it’s good economic policy. There were a number of establishments who had great concerns when initial policies in some of our counties were enacted. However, they learned after a brief period of time, how it actually improved their business and made it a better atmosphere for owners, for patrons, and for workers.

“There can be no denial that secondhand smoke is as bad as smoking itself. It’s about the health of our community; it’s about the health of our economy, and it’s about making sure that our workers have an opportunity to engage in a smoke-free workplace. Some of them may not have other choices, particularly if they’re working two or three jobs.

"I know that there are a few individuals who have very much expressed their concern about this measure, but I think the recent poll that was done by the Coalition for a Tobacco Free Hawai'i continues to demonstrate that the overwhelming support in our State is to be smoke free.

"Thank you very much."

The motion to adopt Floor Amendment No. 16 was put by the Chair and failed to carry.

The motion to adopt Stand. Com. Rep. No. 1663 and pass H.B. No. 1018, H.D. 2, S.D. 2, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 1663 was adopted and H.B. No. 1018, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1673 (H.B. No. 1757, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1673 be adopted and H.B. No. 1757, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator English then offered the following amendment (Floor Amendment No. 17) to H.B. No. 1757, H.D. 1, S.D. 2:

SECTION 1. House Bill No. 1757, H.D. 1, S.D. 2, is amended as follows:

1. By designating section 1 as part I.

2. By adding a new part II to read as follows:

"PART II

SECTION 2. Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§237- Exemption of sale of liquid fuels and alcohol fuels. (a) There shall be exempted from and excluded from the measure of the taxes imposed by this chapter all of the gross income or proceeds arising from the sale of liquid fuels, as defined in section 243-1, and alcohol fuels, as defined in subsection (b), for consumption or use by the purchaser and not for resale.

(b) For the purposes of this section, "alcohol fuels" means neat biomass-derived alcohol liquid fuel or a petroleum-derived fuel and alcohol liquid fuel mixture consisting of at least ten volume per cent denatured biomass-derived alcohol commercially usable as a fuel to power aircraft, seacraft, spacecraft, motor vehicles, or other motorized vehicles.

(c) The director of taxation shall adopt rules pursuant to chapter 91 necessary to administer this section."

SECTION 3. Section 243-4, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) Every distributor ~~shall~~, in addition to any other taxes provided by law, shall pay a license tax to the department of taxation for each gallon of liquid fuel refined, manufactured, produced, or compounded by the distributor and sold or used by the distributor in the State or imported by the distributor, or acquired by the distributor from persons who are not licensed distributors, and sold or used by the distributor in the State. Any person who sells or uses any liquid fuel knowing that the distributor from whom it was originally purchased has not paid and is not paying the tax thereon shall pay such tax as would

have applied to such sale or use by the distributor. The rates of tax hereby imposed are as follows:

- (1) For each gallon of diesel oil, ~~[1-cent;]~~ 2 cents;
- (2) For each gallon of gasoline or other aviation fuel sold for use in or used for airplanes, ~~[1-cent;]~~ 2 cents;
- (3) For each gallon of liquid fuel other than fuel mentioned in paragraphs (1) and (2), and other than an alternative fuel, sold or used in the city and county of Honolulu, or sold in any county for ultimate use in the city and county of Honolulu, ~~[1-cent;]~~ 17 cents state tax, and in addition thereto such amount, to be known as the "city and county of Honolulu fuel tax", as shall be levied pursuant to section 243-5;
- (4) For each gallon of liquid fuel other than fuel mentioned in paragraphs (1) and (2), and other than an alternative fuel, sold or used in the county of Hawaii, or sold in any county for ultimate use in the county of Hawaii, ~~[1-cent;]~~ 17 cents state tax, and in addition thereto such amount, to be known as the "county of Hawaii fuel tax", as shall be levied pursuant to section 243-5;
- (5) For each gallon of liquid fuel other than fuel mentioned in paragraphs (1) and (2), and other than an alternative fuel, sold or used in the county of Maui, or sold in any county for ultimate use in the county of Maui, ~~[1-cent;]~~ 17 cents state tax, and in addition thereto such amount, to be known as the "county of Maui fuel tax", as shall be levied pursuant to section 243-5; and
- (6) For each gallon of liquid fuel other than fuel mentioned in paragraphs (1) and (2), and other than an alternative fuel, sold or used in the county of Kauai, or sold in any county for ultimate use in the county of Kauai, ~~[1-cent;]~~ 17 cents state tax, and in addition thereto such amount, to be known as the "county of Kauai fuel tax", as shall be levied pursuant to section 243-5.

If it is shown to the satisfaction of the department, based upon proper records and from such other evidence as the department may require, that liquid fuel other than fuel mentioned in paragraphs (1) and (2) is used for agricultural equipment that does not operate upon the public highways of the State, the user thereof may obtain a refund of all taxes thereon imposed by this section in excess of 1 cent per gallon. The department shall adopt rules to administer such refunds.

(b) Every distributor of diesel oil, in addition to the tax required by subsection (a), shall pay a license tax to the department for each gallon of such diesel oil sold or used by the distributor for operating a motor vehicle or motor vehicles upon public highways of the State. The rates of the additional tax hereby imposed are as follows:

- (1) For each gallon of diesel oil sold or used in the city and county of Honolulu, or sold in any other county for ultimate use in the city and county of Honolulu, ~~[1-cent;]~~ 16 cents state tax, and in addition thereto such amount, to be known as the "city and county of Honolulu fuel tax", as shall be levied pursuant to section 243-5;
- (2) For each gallon of diesel oil sold or used in the county of Hawaii, or sold in any other county for ultimate use in the county of Hawaii, ~~[1-cent;]~~ 16 cents state tax, and in addition thereto such amount, to be known as the "county of Hawaii fuel tax", as shall be levied pursuant to section 243-5;
- (3) For each gallon of diesel oil sold or used in the county of Maui, or sold in any other county for ultimate use in the county of Maui, ~~[1-cent;]~~ 16 cents state tax, and in addition thereto such amount, to be known as the "county of Maui fuel tax", as shall be levied pursuant to section 243-5; and
- (4) For each gallon of diesel oil sold or used in the county of Kauai, or sold in any other county for ultimate use in the county of Kauai, ~~[1-cent;]~~ 16 cents state tax, and in addition thereto such amount, to be known as the

“county of Kauai fuel tax”, as shall be levied pursuant to section 243-5.

If any user of diesel oil furnishes a certificate, in such form as the department shall prescribe, to the distributor, or the distributor who uses diesel oil signs such certificate, certifying that the diesel oil is for use in operating a motor vehicle or motor vehicles in areas other than upon the public highways of the State, the tax as provided in paragraphs (1) to (4) shall not be applicable. In the event a certificate is not or cannot be furnished and the diesel oil is in fact for use for operating a motor vehicle or motor vehicles in areas other than upon public highways of the State, the user thereof may obtain a refund of all taxes thereon imposed by the foregoing paragraphs. The department shall adopt rules to administer the refunding of such taxes.”

3. By renumbering section 2 as section 4, section 3 as section 5; and section 4 as section 6, and designating those sections as part III.

Senator English moved that Floor Amendment No. 17 be adopted, seconded by Senator Inouye.

Senator English noted:

“Madam President, this exempts the 10 cents and 1 cent into the highway special fund. This was a separate measure that was not heard in the House so it’s being added in here.”

Senator Menor rose in favor of the floor amendment and said:

“Madam President, I rise to speak in favor of this floor amendment.

“First of all, I wanted to thank the chairs of the Transportation and Ways and Means Committees for accommodating my request to include in this amendment, provisions to continue the general excise tax exemption on the sale of gasoline in Hawai‘i. As the Senate Transportation Chair has indicated, this amendment is necessary because the House, or more specifically the House Transportation Committee, has refused to hear S.B. 1285, S.D. 1, introduced by the Senate Ways and Means Chair and which this Body passed out previously in order to address a very important consumer issue.

“I believe that it’s incumbent upon the Legislature to move out a tax relief measure that would apply to the sale of gasoline as part of our ongoing effort to provide relief to consumers from high gas prices in Hawai‘i. While the evidence is overwhelming that the high gas prices are primarily attributable to the massive profits earned by the oil companies, taxes also contribute to the cost of gasoline and therefore is a cost factor that should be addressed by the Legislature.

“If this measure is passed, it would reduce taxes by as much as 10 cents per gallon or more that could be passed on to consumers as savings at the pump. It’s been estimated that the enactment of this bill into law could save consumers over \$30 million annually.

“Madam President, the one concern that I continue to have about this measure, is that it does not contain a mechanism to ensure that the reduction in taxes will be passed on to consumers in the form of lower pump prices. However, this is an issue that can be addressed and discussed further in Conference Committee.

“Finally, a few of my colleagues might try to focus attention on the 1 cent per gallon fuel tax enhancement provision that’s contained in this amendment; however, it should be emphasized

that any enhancement in the fuel tax could be substantially offset by the significant tax savings that will result from the reinstatement of the excise tax exemption which would be in the neighborhood of around 11 cents per gallon or more. It should also be emphasized that if this amendment is not approved that consumers would get no relief from high gas prices.

“So, for all of these reasons, I respectfully ask my colleagues to support this floor amendment today. Thank you.”

The motion to adopt Floor Amendment No. 17 was put by the Chair and carried.

Senator English then moved that Stand. Com. Rep. No. 1673 be received and placed on file, seconded by Senator Inouye and carried.

By unanimous consent, H.B. No. 1757, H.D. 1, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

Stand. Com. Rep. No. 1674 (H.B. No. 1608, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1674 be adopted and H.B. No. 1608, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator English then offered the following amendment (Floor Amendment No. 18) to H.B. No. 1608, S.D. 2:

SECTION 1. House Bill No. 1608, S.D. 2, is amended by amending Section 1, subsection (b) (1), on page 2, lines 13-14, by deleting the words, “pursuant to section 103D-307” and inserting the words “without regard to chapter 103D” and to read as follows:

“(1) State or county highway or street improvements, including but not limited to new construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation of any highway, bridge, principal and minor arterial roads, collector and local roads, or streets, may be undertaken without regard to chapter 103D;”

Senator English moved that Floor Amendment No. 18 be adopted, seconded by Senator Inouye.

Senator English noted:

“Madam President, this measure moves back to some of the language in S.D. 1 that was inadvertently changed and wasn’t moved to the next Committee.”

Senator Ihara rose and said:

“Madam President, could you note my reservations on this amendment.”

The Chair so ordered.

The motion to adopt Floor Amendment No. 18 was put by the Chair and carried with Senator Ihara voting “Aye, with Reservations.”

Senator English then moved that Stand. Com. Rep. No. 1674 be received and placed on file, seconded by Senator Inouye and carried.

By unanimous consent, H.B. No. 1608, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,”

was placed on the calendar for Third Reading on Thursday, April 12, 2007.

Stand. Com. Rep. No. 1701 (H.B. No. 1848, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1701 be adopted and H.B. No. 1848, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Baker then offered the following amendment (Floor Amendment No. 19) to H.B. No. 1848, H.D. 2, S.D. 1:

SECTION 1. House Bill No. 1848, H.D. 2, S.D. 1, is amended by amending sections 3 and 4 to read as follows:

“SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of [~~\$50,000~~] \$_____ or so much thereof as may be necessary for fiscal year 2007-2008 and the same sum or so much thereof as may be necessary for fiscal year 2008-2009 for the community-based marine resource management advisory committee to carry out its responsibilities, including contracting for consultant services and studies.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of [~~\$250,000~~] \$_____ or so much thereof as may be necessary for fiscal year 2007-2008 and the same sum or so much thereof as may be necessary for fiscal year 2008-2009 for the maka'i o ke kai program.

The sums appropriated shall be expended by the department of land and natural resources for the purposes of this Act.”

SECTION 2. House Bill No. 1848, H.D. 2, S.D. 1, is amended by amending section 6 to read as follows:

“SECTION 6. This Act shall take effect on July 1, [~~2007~~] 2050.”

Senator Baker moved that Floor Amendment No. 19 be adopted, seconded by Senator Tsutsui.

Senator Baker noted:

“Madam President, colleagues, this bill escaped Ways and Means with real dollars in it, and therefore the amendment is to blank them out for the purposes of continued discussion on this matter.”

The motion to adopt Floor Amendment No. 19 was put by the Chair and carried.

Senator Baker then moved that Stand. Com. Rep. No. 1701 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, H.B. No. 1848, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,” was placed on the calendar for Third Reading on Thursday, April 12, 2007.

RECOMMITTAL OF A HOUSE BILL

H.B. No. 248, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 248, H.D. 1, S.D. 1, be recommitted to the Committee on Judiciary and Labor, seconded by Senator Kokubun.

Senator Hee noted:

“Madam President, well, like the previous effort to the Senate companion, the Caucus wishes to have this bill recommitted, and I’m here to serve the Caucus. Thank you, Madam President.”

The motion was put by the Chair and carried, H.B. No. 248, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIREARMS,” was recommitted to the Committee on Judiciary and Labor.

THIRD READING

H.B. No. 987, H.D. 1, S.D. 2:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 987, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO POLICE OFFICERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1505 (H.B. No. 1323, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1505 was adopted and H.B. No. 1323, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1506 (H.B. No. 1631, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1506 was adopted 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,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1507 (H.B. No. 1719, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1507 was adopted and H.B. No. 1719, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1509 (H.B. No. 1370, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1509 was adopted 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,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1512 (H.B. No. 317, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1512 was adopted and H.B. No. 317, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1646, H.D. 2, S.D. 1:

On motion by Senator Menor, seconded by Senator Kokubun and carried, H.B. No. 1646, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1339, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 1339, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR LICENSING REQUIREMENTS DURING A STATE OF EMERGENCY OR DISASTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1612, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 1612, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 910, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 910, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1379, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 1379, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1551 (H.B. No. 1256, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1551 was adopted and H.B. No. 1256, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERFECTION OF APPEALS TO THE

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1552 (H.B. No. 528, H.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1552 was adopted and H.B. No. 528, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1553 (H.B. No. 1260, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1553 was adopted and H.B. No. 1260, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1554 (H.B. No. 1399, S.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1554 was adopted and H.B. No. 1399, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1555 (H.B. No. 581, H.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1555 was adopted and H.B. No. 581, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANALANI SCHOOLS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1559 (H.B. No. 90, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1559 was adopted and H.B. No. 90, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1561 (H.B. No. 1630, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1561 was adopted and H.B. No. 1630, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY WORKFORCE DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1562 (H.B. No. 325, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1562 was adopted and H.B. No. 325, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1563 (H.B. No. 962, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1563 was adopted and H.B. No. 962, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHRONIC KIDNEY DISEASE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1565 (H.B. No. 211, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1565 was adopted and H.B. No. 211, H.D. 1, S.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 TO THE GENERAL PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1566 (H.B. No. 277, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1566 was adopted and H.B. No. 277, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR WINDSHIELD PLACARDS FOR PERSONS WITH DISABILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1567 (H.B. No. 751, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1567 was adopted and H.B. No. 751, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1570 (H.B. No. 162, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1570 was adopted and H.B. No. 162, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1572 (H.B. No. 1291, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1572 was adopted and H.B. No. 1291, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1574 (H.B. No. 1572, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1574 was adopted and H.B. No. 1572, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1575 (H.B. No. 1568, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1575 was adopted and H.B. No. 1568, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1576 (H.B. No. 1899, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1576 was adopted and H.B. No. 1899, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1577 (H.B. No. 260, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1577 was adopted and H.B. No. 260, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS OF RESOURCE VALUE LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1578 (H.B. No. 402, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1578 was adopted and H.B. No. 402, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1210, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1210, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS AND PROSPECTIVE JURORS," having been read throughout,

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

Ayes, 25. Noes, none.

H.B. No. 154, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 154, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1171, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 1171, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1589 (H.B. No. 1328, H.D. 2, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1589 was adopted and H.B. No. 1328, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1590 (H.B. No. 1518, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1590 was adopted and H.B. No. 1518, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1591 (H.B. No. 375, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1591 was adopted and H.B. No. 375, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIANS' RIGHT OF WAY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1592 (H.B. No. 1440, H.D. 3, S.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Stand. Com. Rep. No. 1592 was adopted and H.B. No. 1440, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1593 (H.B. No. 807, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1593 was adopted and H.B. No. 807, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1595 (H.B. No. 1614, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1595 was adopted and H.B. No. 1614, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1596 (H.B. No. 55, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1596 was adopted and H.B. No. 55, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1597 (H.B. No. 825, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1597 was adopted and H.B. No. 825, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 487, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 487, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1833, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 1833, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR BUSINESS PRACTICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1155, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1155, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1406, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1406, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1616 (H.B. No. 1569, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1616 was adopted and H.B. No. 1569, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1618 (H.B. No. 155, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1618 was adopted and H.B. No. 155, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1619 (H.B. No. 400, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1619 was adopted and H.B. No. 400, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1620 (H.B. No. 1322, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1620 was adopted and H.B. No. 1322, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1633 (H.B. No. 1435, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1633 was adopted and H.B. No. 1435, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1634 (H.B. No. 310, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1634 was adopted and H.B.

No. 310, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1636 (H.B. No. 1787, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1636 was adopted and H.B. No. 1787, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1641 (H.B. No. 1008, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1641 was adopted and H.B. No. 1008, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1643 (H.B. No. 531, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1643 was adopted and H.B. No. 531, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1647 (H.B. No. 1570, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1647 was adopted and H.B. No. 1570, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1648 (H.B. No. 379, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1648 was adopted and H.B. No. 379, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1650 (H.B. No. 1605, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1650 was adopted and H.B. No. 1605, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC CONTROL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1651 (H.B. No. 249, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1651 was adopted and H.B. No. 249, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUNTING TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1654 (H.B. No. 399, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1654 was adopted and H.B. No. 399, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1657 (H.B. No. 902, H.D. 2, S.D. 3):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1657 was adopted and H.B. No. 902, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1658 (H.B. No. 10, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1658 was adopted and H.B. No. 10, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1661 (H.B. No. 1479, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1661 was adopted and H.B. No. 1479, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE SUPPORT FOR SMALL BUSINESSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1662 (H.B. No. 1641, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1662 was adopted and H.B. No. 1641, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1665 (H.B. No. 426, H.D. 2):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1665 was adopted and H.B. No. 426, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1667 (H.B. No. 1628, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1667 was adopted and H.B. No. 1628, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII MACADAMIA NUT PRODUCT LABELING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1668 (H.B. No. 833, H.D. 2, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1668 was adopted and H.B. No. 833, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1675 (H.B. No. 1866, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1675 was adopted and H.B. No. 1866, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1676 (H.B. No. 1004, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1676 was adopted and H.B. No. 1004, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER ADVOCACY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1678 (H.B. No. 1268, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1678 was adopted and H.B. No. 1268, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INNOVATION IN EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1681 (H.B. No. 150, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1681 was adopted and H.B. No. 150, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout,

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1682 (H.B. No. 1359, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1682 was adopted and H.B. No. 1359, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1685 (H.B. No. 1292, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1685 was adopted and H.B. No. 1292, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1688 (H.B. No. 357, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1688 was adopted and H.B. No. 357, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1692 (H.B. No. 1283, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1692 was adopted and H.B. No. 1283, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1696 (H.B. No. 1095, H.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1696 was adopted and H.B. No. 1095, H.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, 25. Noes, none.

Stand. Com. Rep. No. 1700 (H.B. No. 1201, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1700 was adopted and H.B. No. 1201, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

THIRD READING

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 to the end of the calendar.

H.B. No. 1414, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 1414, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

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

"As I've said previously about this bill, first of all, the State really should have no obligation or requirement to collect the county tax because we were sold a bill of goods that the 12.5 percent tax increase was a home rule county matter, and so the county was supposed to take care of it. Now the State is going to have to collect and the State is asking, originally it was \$4.5 million, now the bill has been amended to over \$5 million in advance funds for this collection process.

"And as I pointed out previously, one of the most despicable parts of this tax increase that's supposed to be for home rule and supposed to be for transportation is that the State of Hawai'i gets 10 percent skimmed right off the top. That 10 percent is currently estimated at between \$15 and \$20 million. So you take the \$15 to \$20 million, add another \$5 million, that's \$20 to \$25 million in cost for a one-time set up to collect the surcharge for the City and County of Honolulu. And you have to ask yourselves, Where is the money going to go? And in testimony by the Tax Director, the estimated cost for the actual collection of the tax was in the neighborhood of \$3 to \$4 million.

"So, I think that this is a tremendous waste and misuse of funds and I urge my colleagues to vote against it. Thank you."

The motion was put by the Chair and carried, 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," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1504 (H.B. No. 275, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1504 be adopted and H.B. No. 275, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak in opposition and said:

"Madam President, I rise in opposition to H.B. No. 275.

“As a member of the CPH Committee, we heard a lot of testimony but we didn’t hear any need for this legislation, nor did we hear of a problem. The testimony was given that this could occur sometime in the future, although it’s not occurred in the past, and then we need to have legislation.

“The Legislative Auditor also did a report on this area and said that in fact there was no need for this legislation. I agree with the Auditor and I think that we should shelve this bill.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1504 was adopted and H.B. No. 275, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1508 (H.B. No. 1764, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1508 was adopted 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,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1510 (H.B. No. 1352, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1510 be adopted and H.B. No. 1352, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support with reservations as follows:

“Madam President, I rise to support the bill with reservations.

“As again I have mentioned previously, I find it interesting that the state government has not had any official recognition of Admissions Day or Statehood Day in the last eight years, and as a matter of fact has not supported citizen efforts to have such a celebration. Now we’re planning a commission with a task force larger than the Senate, to have a 50th anniversary, and already people are criticizing it and saying that it is insensitive and is controversial.

“The initial bill from the administration called for \$250,000 in taxpayer expenditures for this commission and for the work of the commission, and I question whether or not we need any amount approaching that and I’d like to see what the amounts are going to be for, what the commission is going to do, and I guess most importantly, I’d like to see that the people of Hawai’i really do want to observe a 50th anniversary of statehood in two years.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1510 was adopted 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,” having been

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

Ayes, 25. Ayes with Reservations, 1 (Slom). Noes, none.

Stand. Com. Rep. No. 1511 (H.B. No. 19, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1511 was adopted and H.B. No. 19, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 1513 (H.B. No. 507, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1513 was adopted and H.B. No. 507, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BOATING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1515 (H.B. No. 1659, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1515 be adopted and H.B. No. 1659, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1515 was adopted and H.B. No. 1659, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Ihara). Noes, 4 (Gabbard, Hemmings, Slom, Whalen).

H.B. No. 639, H.D. 2, S.D. 1:

Senator Menor moved that H.B. No. 639, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hooser.

Senator Slom rose to speak in opposition and said:

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

“H.B. No. 639, again, is an infringement on business and is part of the failed bottle tax bill. We are seeing that the city may start to do what it was supposed to do five years ago, and that is curbside recycling. If there is curbside recycling, then taxpayers will get banded twice. We’ll be paying the deposit tax for the bottles and cans and won’t get them back, and we’ll be paying for the increased cost for curbside recycling at the city.

“If we really are talking about recycling, if that’s our issue, then we should be supporting those efforts to have curbside recycling, which is the most convenient way of taking care of this problem. But if, as I suppose, the real issue is money, and again more money for the state government in the guise of recycling, then I’m opposed to it.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 639, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLID WASTE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1149, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1149, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DRUGS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 122, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 122, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure as follows:

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

“I think the idea of the bill is terrific – that we would have full disclosure on the use of state funds, either directly or indirectly, but I find it kind of hypocritical because we don’t have disclosure on funds for various tax credits that amount to many more millions of dollars than envisioned in this bill.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 122, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 776, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 776, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TICKET SALES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1264, S.D. 1:

Senator Taniguchi moved that H.B. No. 1264, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Trimble rose in opposition and said:

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

“The justification we heard for passage is that with the passage, the person that had the right to live in the house, that owned the house, and if it went back for affordable housing and needed to be sold to another family that qualified for it, that an occupant of the house might be displaced, and this would provide that a family member of the person that died would be afforded the opportunity to purchase the house.

“The problem with the bill is that it doesn’t provide that the family member given the right to purchase the house is the person living in the house or the one that would be displaced. And it doesn’t provide that after the house is purchased by a family member that the family member that would be evicted would not be evicted. So, I don’t think it accomplishes the intent to which it was written to accomplish or the justification that was given that this would solve.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 1264, 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, 24. Noes, 1 (Trimble).

H.B. No. 483, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 483, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHECK CASHING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

H.B. No. 895, H.D. 2, S.D. 1:

Senator Inouye moved that H.B. No. 895, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

Senator Slom rose to speak in opposition as follows:

“Madam President, I rise in opposition to H.B. No. 895.

“The original version of this bill was going to raise all kinds of fees, but in the final amendment, S.D. 1, the towing and storage fees have been removed but the increase in registration fees still remains, and there’s no limit or no cap on the amount of registration fees. I’ve asked people before to take a look at their automobile registration costs because they have gone up tremendously. They’ve increased more than 50 percent in the last couple of years in the City and County of Honolulu alone. But, we have both state fees, county fees; we have beautification fees; we have weight fees; we have all kinds of things in registration, and it’s approaching now, for the family car, \$250 to \$300 just on registration.

“This would be an unlimited fee increase. The public would not get to vote on it or have any way of saying “no.” Thank you.”

Senator Gabbard rose in opposition and said:

“Madam President, I also rise in opposition to H.B. No. 895, H.D. 2, S.D. 1.

“I can sympathize with the counties that have the responsibility of making sure that we get the abandoned vehicles off the road. While I was a City Councilman, we basically had a full-time person who was dealing with abandoned vehicles day in and day out. However, I cannot support punishing our law-abiding residents by allowing vehicle registration fees to be increased. What we should really be doing is passing legislation to make the people who abandon these cars foot the bill.

“Mahalo.”

The motion was put by the Chair and carried, H.B. No. 895, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Gabbard, Hemmings, Slom, Trimble, Whalen).

H.B. No. 854, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 854, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Slom rose to speak against the measure and stated:

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

“At first it would appear that this is a compassionate bill and that it’s just doing the right thing to allow a worker to continue to get benefits, but the real issue is whether or not the employee is entitled to those benefits in the first place. The bill could have made it fair and a level playing field, but it does not. Because if it’s found later on that in fact the benefits were not needed or not required or not necessary, there is no way for the employer to recover those fees. So, it’s a ‘lose/lose’ situation for small business.

“Thank you.”

Senator Sakamoto rose in support with reservations as follows:

“Madam President, I rise in support with reservations.

“In the past, workers’ comp had been plagued by contentiousness and certainly litigation as well as practitioners such as chiropractors doing treatments, and treatments, and treatments, and employees feeling better but not necessarily getting healed by treatments. I think when the measure is supported heavily by chiropractors and opposed by the Society of Human Resource Managers, the retail merchants, the National Federation of Independent Business, the Chamber, I hope as the measure goes forward, if it does go forward, that it improves so we can work better. Employers do want injured workers back, light duty and otherwise, but certainly prolonging treatment and to the certain extent where the Department of Labor has sometimes a lengthy time before the cases can even come up, unduly burdens getting the workers back to work as quickly as possible.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 854, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Sakamoto). Noes, 4 (Hemmings, Slom, Trimble, Whalen).

H.B. No. 1750, H.D. 2, S.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 1750, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,”

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

Ayes, 24. Noes, 1 (Trimble).

H.B. No. 863, H.D. 1:

On motion by Senator Hee, seconded by Senator Kokubun and carried, H.B. No. 863, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

H.B. No. 1034, S.D. 1:

Senator Fukunaga moved that H.B. No. 1034, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Fukunaga rose in support of the measure as follows:

“Madam President, I have remarks in support of this measure that I’d like to request be inserted into the Journal. Thank you.”

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

“Madame President, I rise to speak in support of H.B. No. 1034, S.D. 1, Relating to Taxes.

“The purpose of the measure is to improve the Department of Taxation’s collection capabilities through the efficient allocation of resources, simplified taxpayer filings, and a more user-friendly interface with the public. The bill does this by:

Establishing the Integrated Tax Services and Management Special Fund to improve customer services, improve taxpayer fairness, and increase cost savings, with an emphasis on electronic filing.

- Moneys in the special fund are revenues from integrated tax services and management systems post-implementation revenue-generating initiatives and will be used to pay for the integrated tax services and management systems.

- The 2007-2008 appropriation in the bill comes with a proviso that the Department of Taxation must repay the general fund for the appropriation to the Integrated Tax Services and Management Special Fund no later than June 30, 2008.

- Beginning with the 2008 legislative session, the Department must report detailed information on the costs, benefits, and features of implementing the integrated tax services and management system post-implementation revenue-generating initiatives; the amount of increased tax, interest, and penalties collected attributable to the initiatives; and the amount paid to the vendor or vendors.

Increasing electronic filing of Hawaii taxes to decrease paperwork and increase efficiencies at the Department.

- The Department of Taxation, by rule, shall require the electronic, telephonic, or optical filing of tax returns for taxpayers who must file their taxes electronically with the Internal Revenue Service.

- The Department will increase voluntary electronic filing through integrated tax services and management, free software, and software upgrades; with the emphasis of voluntary electronic filing on withholding taxes, general excise taxes, and transient accommodations taxes.
- A service fee will not be required for either mandatory or voluntary electronic filing, with the costs now paid by the taxpayer to be paid out of the Integrated Tax Services and Management Special Fund to the eHawaii.gov vendor for the costs of electronic filing.

“Electronic filing of Hawaii taxes is abysmally low – in 2006, only 27 percent of all individual income tax returns and only 4 percent of business returns were filed electronically. During tax season, it is not unusual for the department of taxation to receive literally a ton of mail a day. In the case of business returns, many businesses are also required to file further income tax withholding and general excise and transient accommodations tax payments, resulting in over 1.5 million filings by businesses in Hawaii, with 96 percent being processed manually.

“Overall, only 15 percent of Hawaii tax returns are filed electronically, and the \$2.50 ‘convenience’ fee imposed by the eHawaii.gov portal has posed a significant barrier to people who might consider filing electronically.

“Furthermore, the last audit of the Department of Taxation stated that the Department was not processing checks quickly enough – that the 30-45 day processing time was far too long. This is not a recent criticism – it was in 1996, when the Auditor submitted a follow-up report to her full audit of 1994. Has it improved in the past 10 years? I wish I could say it has, but when I asked the Department that question, I received no information that assured me it had – and that the Department had adequately addressed the Auditor’s concerns.

“Madame President, paying taxes is never pleasant, but we can at least make it easier for taxpayers and more efficient for the Department. I urge my colleagues to approve this bill and bring the paying of taxes in Hawaii into the 21st century.”

Senator Slom rose in opposition and said:

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

“It’s a good bill. It’s a very good bill. It’s a good purpose. There’s only one problem – it creates yet another state special fund, so I’m voting against it.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 1034, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1550 (H.B. No. 1306, H.D. 2, S.D. 1):

Senator Hee moved that Stand. Com. Rep. No. 1550 be adopted and H.B. No. 1306, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose against the measure and said:

“Madam President, I rise in opposition to give Senator Slom a pause to catch his breath. (Laughter.)

“Again, we’re dividing up society based on artificial classifications, in this one, age. I know it’s to benefit Sam Slom, I mean Senator Slom, but quite frankly we’re talking about diminished capacity and not age as what we should be deciding. The reason why we should be seeking to protect people shouldn’t be based on age. It should be based on diminished capacity, and this doesn’t do that. People don’t walk around carrying signs saying how old they are.

So, number one, I don’t think it’s going to accomplish the intended purpose. Number two, if you’re really interested in deterring crime, the most effective way of doing that is the certainty of being caught. This doesn’t do that. And the third thing is not only the certainty of being arrested, but the certainty of being convicted. It has very little to do with penalties. It is the certainty of being arrested and the certainty of being brought to trial. So, it is not going to accomplish its intended purpose.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1550 was adopted and H.B. No. 1306, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENHANCED PENALTIES FOR SECURITIES VIOLATIONS COMMITTED AGAINST ELDERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 1556 (H.B. No. 436, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1556 was adopted and H.B. No. 436, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1557 (H.B. No. 1336, S.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1557 was adopted and H.B. No. 1336, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SANCTIONS FOR VIOLATIONS BY MORTGAGE BROKERS AND SOLICITORS COMMITTED AGAINST ELDERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Stand. Com. Rep. No. 1558 (H.B. No. 1721, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1558 be adopted and H.B. No. 1721, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose in favor of the measure with reservations as follows:

“Madam President, I rise to speak in favor of this bill with reservations.

“Colleagues, let’s be honest with ourselves – this bill is a retribution bill; it’s not a prevention bill. No one in their right mind is going to interfere or assault an emergency worker. So, what we’re talking about is conduct that is irrational. And to the extent that emergency response personnel feel that this law will make them safer, it does place them in additional danger.

“So, I suggest that frequently in our attempts to do good, we do not accomplish that end result because we don’t realize the mind of the people that we are seeking to influence. And for that reason, I’m voting in favor of this bill, but with reservation.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1558 was adopted and H.B. No. 1721, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST EMERGENCY MEDICAL SERVICES PERSONNEL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 1 (Trimble). Noes, none.

Stand. Com. Rep. No. 1560 (H.B. No. 667, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1560 was adopted and H.B. No. 667, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO KUKUI GARDENS RENTAL HOUSING COMPLEX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1564 (H.B. No. 843, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1564 be adopted and H.B. No. 843, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition and said:

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

“I think we all want to see a thriving Kahuku Hospital. We want the residents and citizens in that area to be taken care of. But to have the HHSC acquire Kahuku Hospital with their record of financial troubles – we have bailed out the corporation and will continue to do it this Session. We already had an emergency appropriation for Kahuku Hospital. To add another state hospital into this mix without really looking at the financial implications in trying to solve a problem rather than the symptoms I think is wrong and is going to do a disservice not only to the people in the North Shore but also to the taxpayers.

“Thank you.”

Senator Hee rose in favor of the measure and stated:

“Madam President, I rise to speak in favor of the bill.

“I would like to thank the Committees for moving the bill forward. This is a bill that, quite frankly, by definition, is to assist hospitals that cannot take care of themselves. This is not an epiphany and should not be an epiphany to anyone seated in the Chamber.

“The fact of the matter is healthcare costs are rising; they are not decreasing, and the healthcare needs of the people increase and do not decrease. This is policy. It’s good policy, because if for no other reason, it sends a strong signal not only to the people in Kahuku, but the people statewide, that this government cares about them, and that this government will look to the needs of healthcare, regardless of where you might be, isolated or otherwise.

“Thank you, Madam President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1564 was adopted and H.B. No. 843, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO KAHUKU HOSPITAL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1568 (H.B. No. 600, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1568 be adopted and H.B. No. 600, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak against the measure and said:

“Madam President, I rise in opposition to this measure.

“Wonderful intentions. Those that are not familiar with English, it is important that there are interpreters so that they realize what is being said that they need to respond to. The problem is the bill doesn’t talk about what the cost is; it doesn’t talk about how many languages we’re seeking to deal with; and it doesn’t even address the need of an individual to understand it in his own native tongue.

“When we pass this legislation, what we are seeking to do is to have certain translators that are certified. The number of languages that we are dealing with does not guarantee that the person they will be translating for is their own native language. So, by passage of this bill, I do not think that we’re accomplishing its intent. All we did was hear testimony from a certain group that would benefit from the passage of this bill, not the larger population that we were seeking to serve.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1568 was adopted and H.B. No. 600, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COURT INTERPRETERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1569 (H.B. No. 1133, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1569 be adopted and H.B. No. 1133, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition and stated:

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

“One of our goals and one of our policies certainly is to encourage more people to vote. We went from being the number one state in the Nation to number 50 in the Nation in terms of voter turnout as related to registration. But I don’t think that the reason for the low turnout is because people can’t vote or are not registered right up to election day.

“As a matter of fact, there are a number of problems associated with this bill. There’s no discussion about additional cost. We also know that every year, or every election year, we have a problem filling all of the vacant positions. We’re now calling on election people to do more, and we’re simply saying that you can bring an ID and we have a variety of IDs, but we’ve been dealing with the issue of identity theft for years and we know that no document is safe and secure from that.

“So, if the objective is to get more people voting, then maybe we should do more in terms of the legislation that we pass in the Legislature and not require registration at the last minute. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1569 was adopted and H.B. No. 1133, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTION DAY REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 1571 (H.B. No. 1211, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1571 be adopted and H.B. No. 1211, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition as follows:

“Madam President, I rise in opposition to this measure.

“Colleagues, one of the most important changes that this measure does is that it wipes away the distinction between compensation to an attorney that is provided in court as opposed to the number of hours put in out of court. I think that these are vastly different cost items and should be separately addressed in terms of a compensation number.

“If you just go through and figure that an attorney only works as hard as everybody else works, and we know that’s probably false, the amount of compensation that they can receive from the court system amounts to about \$180,000 a year. Some people might consider this more than a living wage, and if you feel that it might be, even for an attorney, excessive, then I would suggest you err on the side of caution and vote ‘no.’

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1571 was adopted and H.B. No. 1211, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FAMILY COURT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1573 (H.B. No. 1567, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1573 was adopted and H.B. No. 1567, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

H.B. No. 855, H.D. 1, S.D. 1:

Senator Hee moved that H.B. No. 855, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Sakamoto requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 855, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Sakamoto). Noes, 4 (Hemmings, Slom, Trimble, Whalen).

H.B. No. 30, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 30, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Gabbard, Hemmings, Slom, Trimble).

H.B. No. 500, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 500, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

“Madam President, I rise to speak in favor of this measure, which is the Senate’s version of the executive budget for the next biennium.

“I introduced WAM’s hardworking staff earlier, but I want to again publicly thank them for their hard work and diligence in pulling together this document and for helping the Committee with all of its work thus far. They endured a computer virus that caused our system to crash losing valuable data and requiring reentry and more line-by-line reviews, and of course, all of the last minute questions and requests that they fielded with patience and good humor. For the record, Madam President, this year’s staff is led by the individuals that I introduced – Gordon Arakaki, Committee Clerk; Aaron Nyuha, Budget Chief; Chad Taniguchi, Bills Chief; Jennifer Chow, Capital Improvement Program Specialist; Budget Analysts: Serene Chew, Christopher Delaunay, Jeffrey Lam, Alan Sarhan, Susan Sweeney, Gregory Yukumoto; Bills Researchers: Eric Arquero, Alden Lum, Sharon Matutino, Greg Wigger; Lisa Espero, WAM Clerk; and Alison Kato, WAM Clerk.

“Secondly, I’d like to personally thank my colleagues on the Ways and Means Committee, particularly my Vice Chair who developed the CIP portion of the budget and provided valuable perspective on other matters before the Committee. Mahalo, too, to all of my colleagues on the Committee for sharing their wisdom and experience with me. I also want to thank them for their patience and support through the first and second decking and the development of the budget bills. Mahalo, too, to my predecessor, the Senator from Manoa, for his stewardship and sage advice.

“Finally, I’d like to thank you, Madam President, and all of the Senate subject matter Committee Chairs for sharing your perspectives and priorities with the Ways and Means Committee.

“I’m sure we didn’t include every item members hoped to see in the Senate Draft. We did try to accommodate subject matter priorities either in the budget document itself or in the financial plan for bills that are still moving through the process. You helped the Committee by providing priorities for the bills, feedback on the Executive’s priorities, and your personal and

subject matter CIP and GIA wish lists. Your input made the Committee's job easier.

"Colleagues, it's a truism to note that Hawai'i has many legitimate yet competing interests vying for state resources. This year in the GIA arena alone, we had over 300 requests totaling over \$330 million. Not in the too distant past, our GIA budget totaled only a few million dollars.

"Madam President, your Committee truly listened to everyone and then made the necessary and sometimes hard decisions in order to craft a budget that reflects our shared goals, principles, and priorities that you so eloquently outlined on Opening Day. We've stayed within the ceiling established by the Executive and within her bond expenditure plan. I believe we've provided a balanced budget that, coupled with the bills we're still working on, will address the pressing challenges in our State.

"As you know, Madam President, the fundamental policy document of the State of Hawai'i is the executive budget. Through this document, your Committee has laid the groundwork for the creation of a sustainable Hawai'i with strong families and communities, a healthy economy and environment, and a literate, competent workforce able to compete in the global marketplace.

"In crafting the Senate version of the executive budget, your Committee was guided by four principles and priorities in developing state budgetary policy – to help strengthen our families and communities; to sustain a healthy and diversified economy; by among other things, but perhaps most importantly, investing in public education, both higher and lower; also to shape a Hawai'i that is a great place to visit because, first and foremost, it is a great place to live. And we sought to provide a state budgetary policy to promote a fiscally prudent, transparent, and sustainable state government.

"Colleagues, the Senate version of the executive branch budget carries out our stated goals, principles, and priorities. In support of strengthening our families and communities, your Committee allocated approximately 27 percent of the new general fund appropriations to health and human services, amounting to an additional \$120.4 million in FY 08 and an additional \$145 million in FY 09.

"In support of sustaining a healthy and diversified economy through properly educated workforce, your Committee allocated approximately 53 percent of the new general fund appropriations to lower and higher education, amounting to an additional \$155.4 million in FY 08 and an additional \$181.5 million in FY 09 for lower education; and an additional \$73.3 million in FY 08 and \$100.9 million in FY 09 for higher education.

"In total, looking at all sources of funding, the Senate's version of the executive budget appropriates \$10.360 billion in FY 08 and \$10.547 billion in FY 09. Specifically regarding general fund appropriations, this budget appropriates, \$5.185 billion in FY 08 and \$5.283 billion in FY 09. Compared with the budget submitted by the Governor in December of 2006, as adjusted by her various Governor's Messages throughout this Legislative Session, this budget represents a decrease in \$2.3 million in FY 08 and another \$1.8 million in FY 09 in general fund appropriations.

"Finally, Madam President, we must take note that Hawaii's economy is slowing and inflation is eating up much of the State's current growth in general fund revenues. This reflected in the most recent forecast of the Council on Revenues which decided to keep unchanged its December forecast of the general

fund revenues for fiscal year 2007-2008 through fiscal year 2012-2013. Essentially, the forecast on Council on Revenues underscores the need for us to adopt a fiscally prudent, sustainable budget for the State of Hawai'i as there are no significant increases in the revenues being forecast.

"Madam President, colleagues, the budget is in process and it is not complete. We will head into Conference with the House next week to finish the task. Budget worksheets are being uploaded as we speak, and I anticipate we'll receive additional valuable feedback from affected agencies, advocates, our colleagues, and the general public as we work with our House colleagues and the administration to finalize the executive budget for the upcoming biennium.

"As we move into the Conference phase, I respectfully ask my colleagues to continue to work with us to refine the budget and other bills so at the end of the day we have the policy documents needed to continue moving Hawai'i forward in support of strong families and communities, a healthy and vibrant economy, and a Hawai'i that is a great place to visit because it is a great place to live.

"I ask my colleagues for your continued support of WAM's effort and to vote favorably on this measure. Mahalo."

Senator Hemmings rose to support the measure and said:

"Madam President, I rise to speak in favor of the budget.

"I, too, would like to add my accolades and thank you to the Senate Majority Ways and Means Committee for the fine work they did on this, and I'd like to add specifically the Chairman into that thank you for the transparency and the openness in which she conducts the meetings and decision making, especially where we do have worksheets and are able to recall on short notice how everybody testified on those various sundry measures going through the process.

"I'd like to also thank our own Senate Minority staff for producing this incredible digest of the budget that really ferrets out exactly where the money is being spent, what departments are increasing, and what others are being held in abeyance.

"I might want to point out for the purposes of information for the public and for the colleagues today that, yes, this budget does appear to cut spending marginally out of the billions being spent from the executive budget. It's not the entire picture. The off-budget spending that is not in this bill but in other bills moving through the Legislature, last year added close to \$400 million of additional spending, eating up most of the surplus. There are a number of bills this year that are moving through the legislative process that will have a similar impact on the total amount of money the State has to spend.

"I would also like to comment on the fact that this budget is oftentimes utilized to take credit for the strong economy, for helping serve the cause of having more literacy, and other aspects of our living here in Hawai'i. I might offer into evidence just the opposite is true. Our economy is strong because of tourism, the one industry the economy has, but when you look at the big picture, we're incredibly over dependent on one industry and business has a hard time getting a foothold here – so hard a time that one business that got a tax credit to this process several years ago decided to build their multi-million dollar facility in another state where it was more reasonable to do business.

"I might also add that literacy is a problem. We continue to throw more money at it every year, year in and year out, and it doesn't seem to improve that much.

"I will take exception with the term that this budget is 'prudent and conservative' because every year, regardless of what the economy is doing, the state's spending increases sometimes two times or three times more than the growth in the private sector economy. Sooner or later, that will have a dire effect on the people of Hawaii's ability to pay for and live in this state.

"In closing I'd like to just remind the Majority Party that when it comes to collecting money to pay for these budgets, Hawai'i is the worst state in the nation for taxing its poor – something you should not be very proud of.

"Thank you, Madam President."

Senator Tsutsui rose in support of the measure and said:

"Madam President, I rise in support of H.B. No. 500, S.D. 1.

"Madam President, let me begin by first commending Chair Baker for her leadership in crafting the Senate draft of the state budget. I would also like to thank the Ways and Means staff for their diligent work and long hours, many of which were at nights and over the weekends. And I would also like to thank the committee members for their contributions and input into the budget. And of course I'd be remiss if I didn't thank the former Chair and my good friend sitting to my immediate right for allowing me to pop in and out of his office to get advice on many of the CIP and grant-in-aid related items.

"Madam President, your Committee has evaluated the priorities of the administration, the Board of Education, the Board of Regents, and most importantly, the communities throughout the state to develop the Senate's CIP budget. I'm proud to say that this budget has prioritized both projects that would repair and improve our aging state facilities as well as new projects that would support expanding programs in our increasing population.

"The Committee has continued to make education a high priority, and as such, the CIP budget devotes significant resources towards public education facilities. This budget has included over \$500 million for the Department of Education's capital improvement program over the next biennium. In addition, it includes a significant capital commitment to the University of Hawai'i – over \$250 million for repair and deferred maintenance as well as new projects for all its existing campuses statewide.

"In addition, Madam President, we included \$20 million for the repair and maintenance of public housing units; \$10 million to incorporate green building design elements for energy conservation and efficiency; \$15 million for HHSC to deal with repair and maintenance issues; over \$20 million for dam assessment, maintenance, and remediation; close to \$8 million for state irrigation systems and reservoir safety improvements; \$2.6 million for civil defense sirens, especially in rural areas; as well as over \$6 million to improve critical communications in case of emergencies and natural disasters.

"Madam President, these are just a few of the many CIP projects that were included in H.B. No. 500, S.D. 1, and I urge my colleagues to support it as we head into Conference.

"Thank you, Madam President."

Senator Slom rose in support with reservations and stated:

"Madam President, I rise to support the budget bill with reservations.

"There's no question that there are many good things within this budget and there's no question about the hard work on both sides to craft this budget, but the fact remains that \$20 billion, more than \$20 billion is a lot of change. And it's not our money; it's the public's money; it's the taxpayers' money. We see that not only is the budget and the expenditures in the budget rising faster than the economy but also in the ability of people to pay for additional increases as measured by personal income growth.

"So, I will keep an open mind and watch this through the Conference process, but I would caution our colleagues that it certainly is a lot easier to spend other people's money and lots of times when we're working with figures where it's a billion here, a billion there, pretty soon it adds up to real money.

"Thank you."

Senator Trimble rose with reservations on the measure and said:

"Madam President, I also rise with slightly different reservations.

"An island community is different than a continent in one important respect and that is that when hard times come, communities on the mainland tend to reduce the size of their government workforce. Island communities tend not to do that because the person that they would be rifling is their neighbor, or their cousin, or their uncle.

"If I have a problem with this budget, it is because we're not seeking to reduce the size of our government labor force. I favor the pay raises that were announced for the HGEA. I believe that government workers deserve better pay. My concern is the warm body count – the number of government workers. And I think that the only time it is palatable to look at the size of government is when unemployment is low, when your auntie, or your uncle, or your neighbor has an alternative – another place to work. We should be going through that process now – now that we're in the good times – and not defer it until the bad times that surely will follow good.

"Thank you."

The motion was put by the Chair and carried, H.B. No. 500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 2 (Slom, Trimble). Noes, none.

Stand. Com. Rep. No. 1587 (H.B. No. 1200, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1587 be adopted and H.B. No. 1200, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

"Madam President, I rise in opposition.

"Colleagues, I have two concerns. They're pretty short. One of them is part of Section 12 of the budget which says the Office of Hawaiian Affairs is authorized to designate or delegate to another state agency or county agencies, the planning, acquisition of land, design, construction, and equipment of any capital improvement project. The reason why

I'm standing in opposition is because it did not specifically exclude HCDA, or what could be considered by some an incestuous relationship between the two agencies.

"The second reason I'm standing in opposition is because of the location of their announced headquarters at the site of what is now Container Freight Station No. 3 in Honolulu Harbor. From the point of OHA, I question whether the site is suitable. There is a forced sewer main going through the property. Its position with a drainage canal on one side means the property will continue to be subject to flooding. It is also next to where the research laboratories of the Medical School will be ingesting mice with avian flu virus and gosh knows what else. It is also a site that is well within the tsunami zone. But if they choose to go with that – fine and dandy. From my perspective as a Senator for this region, Container Freight Station No. 3 and the land that it surrounds has utility to Honolulu Harbor which is the 14th busiest container port in North America, and which is just as congested as the neighbor island ports on Maui and Kauai that have given rise to much dissension this Session.

"The cost of duplicating Pier 2 runs in the hundreds of millions of dollars. OHA has many alternatives where they could build their headquarters. It does not need to be in Honolulu Harbor – land that is used as our lifeline for over 90 percent of our products.

"For the two reasons I've just articulated – the inappropriateness for putting their headquarters in Honolulu Harbor and because of the potential incestuous relationship between HCDA and OHA where funds from OHA will be used to fund an agency that has, I guess, run out of money, which is HCDA. And I call to mind the actions that we have taken this year and last year with respect to HCDA and their current inability to carry forward projects that appear to be in the broad public interest.

"So, thank you for the opportunity to stand and offer comments in opposition to this bill."

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

Senator Kokubun rose to speak in support of the measure as follows:

"Madam President, I stand in support of H.B. No. 1200, S.D. 2.

"As we discussed the budget before the Water, Land, Agriculture and Hawaiian Affairs Committee, it became evident to us that the Office of Hawaiian Affairs has worked closely with HCDA in coming up with the site where they intend to build their new administrative building. I'm not sure I would characterize the relationship as incestuous. It appeared to me that it was an agency-to-agency relationship. There will be a lease. There will be the approval by the HCDA with respect to the design characteristics of that area.

"So, in my opinion, I think this is something that state agencies are working out. Whether or not it's the most appropriate place, I will not comment on that. But obviously, it's something that the Office of Hawaiian Affairs and HCDA are working on.

"With respect to the harbor facilities at Piers 1 and 2, as you know, last Session we worked hard to carve out adequate space at Piers 1 and 2 for the future growth in the area. Obviously, we cannot accommodate all the growth at Piers 1 and 2. The necessary harbor improvements will proceed in the Ewa direction going to Kapalama and that area. So I believe that the

Department of Transportation, Harbors Division in particular, is very aware of the needs of the harbor facilities and they are working hard to address that. As all of you know, we have a measure before us that will allow the Aloha Tower Development Corporation to work with the Department of Transportation to in fact plan that area of harbor improvement.

"Whether or not OHA will finally settle on this site or not is something again I think that the two agencies need to work out. I would like to say, though, that I believe it's a great anchor for the Kakaako Park. I think what the Office of Hawaiian Affairs intends to do with respect to cultural interpretation, cultural sites, having their building also used by the community in general in terms of meeting places, is going to be a very, very good improvement for the Kakaako area.

"So for those reasons, Madam President, I would urge my colleagues to support H.B. No. 1200, S.D. 2.

"Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1587 was adopted and H.B. No. 1200, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Slom). Noes, 1 (Trimble).

Stand. Com. Rep. No. 1588 (H.B. No. 1212, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1588 be adopted and H.B. No. 1212, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1588 was adopted and H.B. No. 1212, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 1 (Slom). Noes, none.

Stand. Com. Rep. No. 1594 (H.B. No. 1044, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1594 was adopted and H.B. No. 1044, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1337, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 1337, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEATH CARE INDUSTRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 936, H.D. 2, S.D. 1:

Senator Taniguchi moved that H.B. No. 936, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition and said:

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

“This bill was heard in Commerce and Consumer Protection but there’s no real consumer protection with this bill. This bill is to allow banks and charge card companies to have fees. The bill was amended. At one point there was a possibility of frontloaded fees, back loaded fees, storage fees, maintenance fees, replacement fees, all kinds of fees on a simple gift card. The person’s already paying for the gift card. The recipient, be it a bank or charge company already has the surplus. It is certainly told that every year there are a number of these cards that are never cashed or used either in part or in whole. So I don’t see that adding additional fees is going to help anyone other than the providers.

“Thank you.”

Senators Hooser, Kim, Menor and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 936, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Ayes with Reservations, 4 (Chun Oakland, Hooser, Kim, Menor). Noes, 3 (Hemmings, Slom, Trimble).

At 12:40 o’clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:29 o’clock p.m.

H.B. No. 116, H.D. 2, S.D. 1:

Senator Taniguchi moved that H.B. No. 116, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senators Hooser, Kokubun, English and Tsutsui requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 116, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 4 (English, Hooser, Kokubun, Tsutsui). Noes, none. Excused, 5 (Bunda, Hee, Ihara, Menor, Whalen).

H.B. No. 835, H.D. 2, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Baker and carried, H.B. No. 835, H.D. 2, 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, 19. Noes, 2 (Slom, Trimble). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 1503, H.D. 1, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Inouye and carried, H.B. No. 1503, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 3 (Hemmings, Slom, Trimble). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 1246, H.D. 1, S.D. 1:

Senator Kokubun moved that H.B. No. 1246, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

Senator Trimble rose to speak in opposition to the measure and stated:

“Madam President, I stand in opposition.

“Colleagues, it’s already a crime. What is it that we expect to accomplish today by suddenly putting the name ‘copper’ in it. And quite frankly, copper still gets stolen even after somebody got ‘fried.’ And if that is not a deterrent, what we do today certainly will not be either. Again, it is the probability, the likelihood of getting caught that deters crime, not making it a crime a second or a third time. Criminal property damage is already a felony. We are not accomplishing anything by passing this law today.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 1246, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO METAL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Trimble). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 451, H.D. 1, S.D. 1:

Senator Kokubun moved that H.B. No. 451, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

Senator Trimble rose in opposition as follows:

“Madam President, I rise in opposition to a very small portion of H.B. No. 451.

“The function of this legislation is to try and deter graffiti. Most of it, the bill, would actually serve to do that purpose. The portion of the bill that would not is the leaving up of graffiti until somebody is caught, and then brought to a court, and then given 60 days to eradicate it, to erase it, to remove it. The number one thing that can be done to reduce graffiti is by its removal, not by waiting to have it removed.

“So, if you’re trying to encourage graffiti, then pass this bill. If you’re trying to discourage it, then at least remove that portion of it where you seek to be ‘Mommy’ and punish a kid by washing his mouth out with soap, or in this case leaving it up so that he will have the time to remove it, because you will not be making our walls and our buildings free of graffiti. What

you will do is actually increase the incident and help the neighborhood deteriorate.

“That is my reason for opposing this bill in its present form. Thank you.”

The motion was put by the Chair and carried, H.B. No. 451, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GRAFFITI,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Trimble). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 1818, H.D. 2, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Inouye and carried, H.B. No. 1818, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 2 (Slom, Trimble). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 1130, H.D. 1, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Inouye and carried, H.B. No. 1130, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Slom). Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 257, H.D. 1, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Tokuda and carried, H.B. No. 257, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LAND USE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Bunda, Hee, Ihara, Whalen).

H.B. No. 659, H.D. 2:

Senator Kokubun moved that H.B. No. 659, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tokuda.

Senator Trimble rose to speak in opposition to the measure and said:

“Madam President, I rise in opposition to this measure as currently written.

“Much of the conversation we’ve had this Legislature has been the use of the Hawaiian language. So, if we’re really interested in this plant being the State Plant, then shouldn’t we call it ‘kalo’ instead of ‘taro’?”

“The second thing has to do with the purpose clause, and it has to do with the origin of kalo. And, I think some discussion on the Floor is significant in terms of how you view the creation, how the rest of society views it, and how you think future generations will view it. Is this a simple story, a myth, or is it the center of a core belief system. The extent to which it is

more than a myth, I think, deserves some discussion on this Floor before we make this law.

“Thank you.”

The motion was put by the Chair and carried, H.B. No. 659, H.D. 2, 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, 19. Noes, 1 (Trimble). Excused, 5 (Bunda, Hee, Ihara, Taniguchi, Whalen).

H.B. No. 676, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 676, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMALS,” was deferred to the end of the calendar.

Stand. Com. Rep. No. 1635 (H.B. No. 777, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1635 was adopted and H.B. No. 777, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Hemmings). Excused, 4 (Bunda, Hee, Ihara, Taniguchi).

Stand. Com. Rep. No. 1637 (H.B. No. 1670, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1637 be adopted and H.B. No. 1670, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak against the measure and said:

“Madam President, I rise in opposition to this measure.

“Colleagues, this is really wacky. Take a look at it. It truly is whacky! Who is it that we are trying to create a job for? I mean, this is amazing. We’re setting up a for-profit corporation and we’re going to do it with the people’s money – an amazing concept.

“Anyway, it doesn’t make any sense. I urge you to read the bill carefully before you blindly cast your vote in favor of another bill.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1637 was adopted and H.B. No. 1670, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE INGENUITY CHARTER,” 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).

Stand. Com. Rep. No. 1638 (H.B. No. 226, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1638 was adopted and H.B. No. 226, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1639 (H.B. No. 1356, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1639 was adopted and H.B. No. 1356, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION BOARD ALLOWANCE FOR FORMER FOSTER YOUTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Bunda, Hee).

Stand. Com. Rep. No. 1640 (H.B. No. 104, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1640 was adopted and H.B. No. 104, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Bunda, Hee).

Stand. Com. Rep. No. 1644 (H.B. No. 1746, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1644 be adopted and H.B. No. 1746, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Kokubun requested his vote be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1644 was adopted and H.B. No. 1746, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Kokubun). Noes, 2 (Hemmings, Slom). Excused, 2 (Bunda, Hee).

Stand. Com. Rep. No. 1645 (H.B. No. 859, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1645 be adopted and H.B. No. 859, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Sakamoto rose to speak against the measure as follows:

"Madam President, I rise in opposition to this matter, just briefly.

"I believe certain things are management rights and management has opportunity in some of the issues to deal best with employees – their placement, promotion, transfer, etc. This bill deals with public employees, however if a measure like this does become law, we're on a very slippery slope in terms of management being able to efficiently run their company whether it's the state company or a private company."

Senator Hemmings rose to speak against the measure and said:

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

"In doing so, I'd like to ask the question, 'Are we yielding our constitutional duty to labor negotiators?' I think so with this bill. I would no longer put us in the driver's seat when it comes to the laws that affect the people of Hawai'i, most especially public labor which far and away is the biggest element of our budget and most expensive thing the taxpayers of Hawai'i pay for.

"Controlling labor and its destiny in relationship to the people that are paying for it is the most important thing I would suggest we do as a result. Yielding our ability to do so to the collective bargaining process in contracts I believe is unconstitutional, and I believe this bill should not merit our support as a result.

"Thank you, Madam President."

Senators Kim, Nishihara and Ige requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1645 was adopted and H.B. No. 859, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Ayes with Reservations, 3 (Ige, Kim, Nishihara). Noes, 6 (Gabbard, Hemmings, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1646 (H.B. No. 1500, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1646 was adopted and H.B. No. 1500, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1649 (H.B. No. 497, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1649 was adopted and H.B. No. 497, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1652 (H.B. No. 34, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1652 was adopted and H.B. No. 34, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1653 (H.B. No. 250, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1653 be adopted and H.B. No. 250, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

“Madam President, I rise in opposition to H.B. No. 250.

“Colleagues, when our Harbors Division of the Department of Transportation is in such dire straits that it cannot plan the orderly expansion of our harbor system, we are truly in desperate straits. The fact that this bill is needed, I don’t question it. I think Sandy Pfund is a very capable individual. She runs a good organization. The larger picture is that we need within our Department of Transportation personnel that can plan and execute those plans in the development of our harbor system – a harbor system that has been neglected for almost two decades.

“We’ve discussed what overcrowding of our harbors do on the neighbor islands. The situation is also true in Honolulu. We don’t accomplish this by simply giving that responsibility to a quasi-public agency. So maybe it’s okay to vote ‘yes’ now, but when we move forward to the future, our state departments should have the in-house capability of planning the expansion of our infrastructure system.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1653 was adopted and H.B. No. 250, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1655 (H.B. No. 1221, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1655 be adopted and H.B. No. 1221, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support of the measure with reservations and said:

“Madam President, I rise to support the bill with reservations.

“We could title this bill ‘The Old McDonald had a Farm’ bill and we could all say, ‘e-i-e-i-e-i-o,’ because we started out trying to help the dairy industry, then we had the cattle industry, and then we have the hog industry, and we’ve got all the other industries. The problem is this is not a revitalization bill. This is a stop-gap measure for subsidy for the next two years. We’re not getting at the root cause of the problems – the increased cost of feed and increased cost of operation, including taxes – on our farms.

“So, with one hand we say we want to help the farmers, we want to revitalize these industries, on another we still make the business climate a hostile one here. So anybody that’s voting for this because they think it’s a revitalization bill is sadly mistaken.

“We need to get at the root cause of our problems to help agriculture, and that means that some agricultural entities will fail, just as they have in the past, but we need to help those that will succeed and also to help those that are transforming themselves from what they did before into something new.

“So, I’ll support the bill through Conference with reservations. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1655 was adopted and H.B. No. 1221, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Slom). Noes, 1 (Gabbard). Excused, 1 (Bunda).

Stand. Com. Rep. No. 1656 (H.B. No. 1270, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1656 be adopted and H.B. No. 1270, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

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

“This bill’s got some good points, got a lot of bad points, but it also has yet another special fund, so I’m voting no. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1656 was adopted and H.B. No. 1270, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE PLANNING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1659 (H.B. No. 71, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Stand. Com. Rep. No. 1659 was adopted and H.B. No. 71, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO NURSE AIDES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 1:47 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:49 o’clock p.m.

Stand. Com. Rep. No. 1660 (H.B. No. 1456, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1660 and H.B. No. 1456, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS,” was deferred to the end of the calendar.

Stand. Com. Rep. No. 1664 (H.B. No. 1950, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 1664 be adopted and H.B. No. 1950, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure and said:

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

“The bill is being sold as a bill that’s going to expedite housing and the process to help affordable housing. But you know, if you really read the bill closely, it’s not going to do either. It’s actually going to take longer than the 45 days now, and it’s not going to help affordable housing. So, if that’s what

we really want to do, and I think we all do, this is not the vehicle to do it.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1664 was adopted and H.B. No. 1950, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Baker, Bunda).

Stand. Com. Rep. No. 1666 (H.B. No. 791, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 1666 be adopted and H.B. No. 791, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Espero.

Senator Trimble rose to speak in opposition and said:

“Madam President, I rise in opposition to this measure.

“Colleagues, what this measure does is exempt or provide that premium gasoline in this community will not be blended with ethanol. The decision to enact this law was probably made on the testimony of perhaps 1 to 2 percent of our population that were adversely affected by this legislation that was created by Democrats in a Democratic Administration many years ago.

“The problem with coming in at the last moment and changing the rules is that it does not give the private sector a sufficient amount of time so that they can solve the problem. Current law provides that 15 percent of the fuel that is sold in Hawai‘i does not have to be blended with Ethanol. By changing the rules at this late date, without adequate hearings and without finding out how it is going to be accommodated, we may be creating a situation where we’re increasing the cost to everyone to benefit the 1 to 2 percent.

“I suggest that not all gasoline stations are the same. Some of them do not have separate tanks for the mid-level of gasoline. They blend the high and the low octane gas together once it’s at the station, to have the medium grade blend. They could not do this if the premium grade blend did not have ethanol in it.

“Before we change the law, we have to be assured that we’re improving it, not making it worse. We have not done that. We have not gotten the input from the gasoline stations and from the distributors and from the refineries. To change the law at this late date without the input of the industry that is going to be implementing the law makes no sense and could wind up causing more uncertainty in the marketplace, higher prices, and less people getting the products that they need.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1666 was adopted and H.B. No. 791, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GASOLINE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Trimble). Excused, 1 (Ige).

Stand. Com. Rep. No. 1669 (H.B. No. 356, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1669 and H.B. No. 356, H.D. 2, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO CHILD ENDANGERMENT,” was deferred to the end of the calendar.

Stand. Com. Rep. No. 1670 (H.B. No. 1830, H.D. 2, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1670 was adopted and H.B. No. 1830, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD PROTECTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Ige).

Stand. Com. Rep. No. 1671 (H.B. No. 469, H.D. 1, S.D. 2):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Stand. Com. Rep. No. 1671 was adopted and H.B. No. 469, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 1672 (H.B. No. 964, H.D. 1, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 1672 be adopted and H.B. No. 964, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose in opposition as follows:

“Madam President, I rise in opposition.

“Colleagues, there’re many levels of FDA approval and this bill does not require the use of an FDA-approved product. The second reason for suggesting that you look at the language of this bill very carefully is that many people think that it does infringe on privacy rights.

“So, before we go down and decide that where management and unions agree for a program, I think we should at least consider what is the probability, what is its statistics, what is the data on false positives, what is the reliability of what we’re introducing or allowing to be used? And I would think that our standard should be, at the very least, an FDA-approved product.

“We should also look at if in our own mind the process that is described can have the detrimental impact of infringing upon privacy. We haven’t gotten into a larger discussion of competency. Maybe that is appropriate for a later date. But we should at least look at privacy rights and whether it is an FDA-approved product.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1672 was adopted and H.B. No. 964, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1677 (H.B. No. 1001, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1677 be adopted and H.B. No. 1001, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition and said:

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

“Similarly to H.B. No. 1950, this talks about an expedited process for rental housing, but it really is not going to accomplish that. It’s interesting to note also that it only applies to the City and County of Honolulu. We’ve raised the stakes. We used to say, ‘to counties with 500,000 and above,’ but we’re scared to death that Maui is catching up so now we say, ‘750,000 and above.’

“I believe that they have problems with the lack of rental housing on Maui, on Molokai, on Lanai, on Kauai, on the Big Island, and yet we reserve this only for Honolulu.

“I’ll be voting against it. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1677 was adopted and H.B. No. 1001, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1679 (H.B. No. 1083, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1679 be adopted and H.B. No. 1083, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition to the measure and said:

“Madam President, I stand in opposition to H.B. No. 1083.

“What this does is it provides for incubator space in Kakaako. It provides for not a small amount of space, but 100,000 square feet – 100,000 square feet of incubator space for an unknown number of years. It used to be five years, and the last time a similar bill came before us I asked how much were we willing to commit to this incubator space? Is it \$1 million? Is it \$10 million? Is it \$40 million?

“I think it is important for us as the Legislature to control the upper limit to how much we are willing to spend to subsidize such an incubator facility.

“Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1679 was adopted and H.B. No. 1083, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1680 (H.B. No. 1003, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1680 was adopted and H.B. No. 1003, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1683 (H.B. No. 212, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1683 was adopted and H.B. No. 212, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1684 (H.B. No. 1220, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1684 be adopted and H.B. No. 1220, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure and said:

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

“Another good bill flawed by the creation of yet another bad special fund.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1684 was adopted and H.B. No. 1220, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1686 (H.B. No. 760, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1686 be adopted and H.B. No. 760, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senators Ihara and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1686 was adopted and H.B. No. 760, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO A LIVING WAGE FOR WORKERS ON SERVICE CONTRACTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Ayes with Reservations, 2 (Chun Oakland, Ihara). Noes, 5 (Gabbard, Hemmings, Slom, Trimble, Whalen). Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1687 (H.B. No. 1231, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1687 was adopted and H.B. No. 1231, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1689 (H.B. No. 1277, H.D. 2, S.D. 3):

Senator Baker moved that Stand. Com. Rep. No. 1689 be adopted and H.B. No. 1277, H.D. 2, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Inouye rose and said:

“Madam President, I rise to register my ‘no’ vote. I have comments I’d like to be entered into the Journal.”

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

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

“Madam President, five years ago, the original purpose of this bill was to build a world-class aquarium at Ko Olina and support economic momentum for West Oahu.

“Earlier this year, Ko Olina agreed to return the credit unused and wholly intact. At the time, Ko Olina developer Jeff Stone was quoted in the media as saying it was no longer necessary and that the credit had done its job by just being there, as a statement of faith in the future of West Oahu.

“Madam President, in your Opening Day speech you also noted that you had asked Mr. Stone to permit us to redirect and reallocate the Ko Olina aquarium tax credit for larger ends and broader initiatives. I have a number of concerns regarding these events and the subsequent direction this bill has taken.

“First of all, we need to be cautious about any tax credit that is aimed exclusively at any single group or entity. And I certainly object to any impression that we need to ask permission to redirect a tax credit because it was not used for the purpose for which it was created.

“\$75 million is a lot of money by anyone’s standards. Ko Olina has had sufficient time in which to take advantage of that generosity. Instead, what Mr. Stone found was that the construction of an aquarium was not necessary to accomplish larger ends, in his words, ‘driving attention and economic momentum to the West side.’ He added, ‘The tax credit’s done its job.’

“I would like to remind this body that the \$75 million in tax credits belongs to the people of this state, from whom it was taken in the first place, and that it is not Mr. Stone’s or Ko Olina’s to return or reallocate.

“And here’s the rub. This bill, as it has now been amended, directs \$75 million exclusively to the West side for affordable rental housing; educational and training facilities for the visitor industry; and for media, film and music educational facilities. These are all admirable and worthwhile goals.

“And certainly, the Leeward side needs continued economic stimulation and incentives. But so does other economically struggling areas not only on Oahu, but on our neighbor islands as well. The homeless suffer on all islands. The visitor industry does not just drive the economy on Leeward Oahu, and there is a need for visitor industry programs for all of our resort destinations.

“The original purpose of the bill was to build an aquarium, other attractions and educational facilities within the Ko Olina Resort. According to Ko Olina itself, that need no longer exists, or at least the tax credit to support that end no longer is necessary for Ko Olina.

“While that may be good and well for Ko Olina, it’s clear that the greater community of West Oahu still needs that kind of support. And I’m all in favor of providing it. But \$75 million is also a lot of money. And in all fairness to all of our

communities and citizens, that support should also be made available to other struggling areas as well.

“I find the focus of the amended bill to be too narrow to fulfill this goal, and I would suggest we rewrite it or table the bill until we can more fully outline the best and most fair use of this needed tax credit.”

Senator Menor rose and said:

“Madam President, reservations.”

The Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1689 was adopted and H.B. No. 1277, H.D. 2, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO TAX CREDITS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 1 (Menor). Noes, 3 (Bunda, Inouye, Trimble). Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1690 (H.B. No. 1639, H.D. 2, S.D. 3):

Senator Baker moved that Stand. Com. Rep. No. 1690 be adopted and H.B. No. 1639, H.D. 2, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1690 was adopted and H.B. No. 1639, H.D. 2, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Ayes with Reservations, 1 (Ihara). Noes, none. Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1691 (H.B. No. 1114, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1691 be adopted and H.B. No. 1114, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Ihara requested his vote be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1691 was adopted and H.B. No. 1114, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Ihara). Noes, 1 (Trimble). Excused, 3 (Fukunaga, Ige, Tokuda).

Stand. Com. Rep. No. 1693 (H.B. No. 718, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1693 was adopted and H.B. No. 718, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO KAKAAKO,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1694 (H.B. No. 1516, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1694 was adopted and H.B. No. 1516, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS AT AND THE RELOCATION OF HONOLULU MARINE, INC. TO KEEHI SMALL BOAT HARBOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1695 (H.B. No. 652, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 1695 be adopted and H.B. No. 652, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak against the measure as follows:

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

"Dam safety; damn special fund."

Senator Sakamoto rose and said:

"Madam President, may I submit comments for the Journal?"

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

"Madame President, I rise in support of H.B. No. 652, H.D. 2, S.D. 2, 'RELATING TO DAM SAFETY.'

"This bill before us arose out of the tragic circumstances on March 14, 2006 when Kaloko Dam on Kauai breached, claiming the lives of seven people. These lives may not have been lost if timely action had been taken by the Department of Land and Natural Resources. Warnings were given, but not heeded. A joint state-federal report issued in 1984 identified structural stability problems at Kaloko Reservoir (*Honolulu Advertiser* May 11, 2006). The *Honolulu Advertiser* reported that the American Society of Civil Engineers, in 2001 and 2005, gave Hawaii's state-regulated dams a D grade (*Honolulu Advertiser* March 15, 2006). The State was not unaware of the potential for dam failure. The *Honolulu Advertiser* in an October 23, 2005 article cited state engineer Edwin Matsuda: 'We've been very fortunate we haven't had any major dam failure here.' (A chronology of events is identified as "ATTACHMENT A" to the Journal of this day.) This measure before us will help ensure that our State agencies will take timely action to prevent further loss of lives due to dam failure."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1695 was adopted and H.B. No. 652, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Slom, Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1697 (H.B. No. 1493, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1697 was adopted and H.B. No. 1493, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION

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

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1698 (H.B. No. 861, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1698 was adopted and H.B. No. 861, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 2 (Ige, Tokuda).

Stand. Com. Rep. No. 1699 (H.B. No. 1063, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 1699 be adopted and H.B. No. 1063, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose and said:

"Madam President, I want to submit my remarks for the Journal."

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

"Madame President, I had the distinct privilege of attending the graduation of the Operation About Face Program at Waianae High School and honoring the 52 graduates on December 20th of last year. This is a great program co-sponsored by the Hawai'i National Guard which helps disadvantaged young people improve their life skills and chances in the job market. This appropriation is money that will definitely go to good use.

"Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1699 was adopted and H.B. No. 1063, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Ige, Tokuda).

At 2:05 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:16 o'clock p.m.

THIRD READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

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

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1457 was adopted and H.B. No. 338, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Whalen). Excused, 2 (Ige, Tokuda).

H.B. No. 676, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 676, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," was deferred until Thursday, April 12, 2007.

Stand. Com. Rep. No. 1660 (H.B. No. 1456, H.D. 2, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 1660 and H.B. No. 1456, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," was deferred until Thursday, April 12, 2007.

Stand. Com. Rep. No. 1669 (H.B. No. 356, H.D. 2, S.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1669 was adopted and H.B. No. 356, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT," was deferred until Thursday, April 12, 2007.

FINAL READING

S.B. No. 1444, S.D. 1, H.D. 1:

Senator Espero moved that S.B. No. 1444, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition and stated:

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

"You know, I think if we really were concerned about crime prevention, we would understand that individuals and families in this community expects punishment for violation of crimes. What this bill does is to semantically change the words so that we don't have to use 'punishment' and we don't have to use 'incarceration.' Instead we use 'custody' and we use 'rehabilitation.'

"Madam President, I would have no problem if the bill were the way it was - 'incarceration, punishment' and we added 'and rehabilitation.' But I think that again we are doing a disservice in turning a blind eye and a deaf ear to the community. They expect punishment. We have punishment within families. It doesn't mean it has to be harsh punishment or violent punishment, but there has to be an accountability for breaking rules, violations, or the law. And what this bill does is really thumb its nose at that premise.

"Madam President, I checked again with my good friend Mr. Dostoevsky and he still has not changed the title of his book. It still is *Crime and Punishment*, not Crime and Rehabilitation.

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1444, S.D. 1, and S.B. No. 1444, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURPOSE OF THE HAWAII YOUTH CORRECTIONAL FACILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Ige, Tokuda).

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions that were received on Wednesday, April 4, 2007, and Thursday, April 5, 2007:

- | | |
|-----------------------------|---|
| House Concurrent Resolution | Referred to: |
| No. 33 | Committee on Health |
| No. 58, H.D. 1 | Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Energy and Environment |
| No. 84 | Jointly to the Committee on Energy and Environment and the Committee on Water, Land, Agriculture and Hawaiian Affairs |
| No. 87 | Committee on Intergovernmental and Military Affairs |
| No. 121, H.D. 1 | Committee on Energy and Environment |
| No. 127 | Committee on Energy and Environment |
| No. 144, H.D. 1 | Jointly to the Committee on Education and the Committee on Human Services and Public Housing |
| No. 265 | Committee on Energy and Environment |
| No. 333, H.D. 1 | Jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Judiciary and Labor |
| No. 344, H.D. 1 | Committee on Human Services and Public Housing |

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

- | | |
|------------------------------|---|
| Senate Concurrent Resolution | Referred to: |
| No. 80 | Committee on Human Services and Public Housing |
| No. 122 | Committee on Human Services and Public Housing |
| No. 156 | Jointly to the Committee on Transportation and International Affairs and the Committee on Human Services and Public Housing |
| No. 199 | Jointly to the Committee on Education and the Committee on Human Services and Public Housing |

RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following Senate resolutions that were offered:

Senate Resolution	Referred to:
No. 47 Public Housing	Committee on Human Services and Public Housing
No. 78 Public Housing	Committee on Human Services and Public Housing
No. 128	Jointly to the Committee on Education and the Committee on Human Services and Public Housing

At 2:20 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:22 o'clock p.m.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1287, S.D. 1 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 4, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1287, S.D. 1, seconded by Senator Inouye and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 1287, S.D. 1, seconded by Senator Inouye.

Senator English noted:

"Madam President, members, the change that the House made was to make it effective on January 1, 2008. Since this is an annual inspection, it makes the bill better and doesn't affect its implementation."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1287, S.D. 1, and S.B. No. 1287, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was placed on the calendar for Final Reading on Thursday, April 12, 2007.

S.B. No. 1370, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 3, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1370, S.D. 1, seconded by Senator Tsutsui and carried.

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 1370, S.D. 1, seconded by Senator Tsutsui.

Senator Baker noted:

"Madam President, colleagues, the House made only minor technical, nonsubstantive amendments to this measure."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1370, S.D. 1, and S.B. No. 1370, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was placed on the calendar for Final Reading on Thursday, April 12, 2007.

S.B. No. 1509, S.D. 1 (H.D. 1):

Senator English moved that the Senate reconsider its action taken on April 3, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1509, S.D. 1, seconded by Senator Inouye and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 1509, S.D. 1, seconded by Senator Inouye.

Senator English noted:

"Madam President, this measure is relating to high occupancy vehicle lanes. The Senate version had 'upon approval' and the House changed it to 'July 1, 2007.'"

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1509, S.D. 1, and S.B. No. 1509, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE (HOV) LANES," was placed on the calendar for Final Reading on Thursday, April 12, 2007.

S.B. No. 1816, S.D. 1 (H.D. 1):

Senator Kokubun moved that the Senate reconsider its action taken on April 4, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1816, S.D. 1, seconded by Senator Hee and carried.

Senator Kokubun moved that the Senate agree to the amendments proposed by the House to S.B. No. 1816, S.D. 1, seconded by Senator Hee.

Senator Kokubun noted:

"Madam President, the House inserted the contents of the bill that would agree with the Senate version on this particular measure regarding Mo'okini Heiau."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1816, S.D. 1, and S.B. No. 1816, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was placed on the calendar for Final Reading on Thursday, April 12, 2007.

RECONSIDERATION OF ACTIONS TAKEN

Pursuant to Senate Rule 66(3), Senator Hooser moved that the Senate reconsider its action taken on April 4, 2007, in passing the following bills on Third Reading:

- H.B. No. 429, H.D. 1;
- H.B. No. 504;
- H.B. No. 1907, H.D. 1,

seconded by Senator Ihara.

Senator Hooser noted:

"Madam President, these bills authorize the issuance of special purpose revenue bonds for education and healthcare facilities and passed Third Reading in the Senate unamended on April 4, 2007. Article VII, Section 9 of the Hawai'i State Constitution prohibits Final passage of any appropriation bill until the state budget bill has been transmitted to the Governor. Therefore, we are requesting that the House return these bills to the Senate so we can take appropriate final action upon transmittal of the budget bill to the Governor."

The motion was then put by the Chair and carried, and the Clerk was directed to inform the House of the Senate's request to return the following bills to the Senate:

H.B. No. 429, H.D. 1:

"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SACRED HEARTS ACADEMY";

H.B. No. 504:

"A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR LE JARDIN ACADEMY"; and

H.B. No. 1907, H.D. 1:

"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."

At 2:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:32 o'clock p.m.

Senator Sakamoto, Chair of the Committee on Education, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 199 and S.R. No. 128.

Senator Sakamoto noted:

"Madam President, these are important because these measures deal with requesting the University of Hawaii to expand and extend its current land lease with Leahi Hospital to facilitate campus wide master planning and long term development of geriatric and long term healthcare services."

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 S.C.R. No. 75.

Senator Baker noted:

"Madam President, this measure requests a sunrise analysis of the regulation of destination clubs and those who market them. We had a hearing posted for tomorrow and wanted to add this measure so that we can consider our resolutions all at one time."

The Chair then granted the waiver.

Senator English, Chair of the Transportation and International Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

S.C.R. No. 91;
S.C.R. No. 156; and
S.R. No. 55.

Senator English noted:

"Madam President, these measures were pending re-referral and pending concurrence amongst all the different Committee Chairs for these triple-joint and double-joint referrals and we finally got that concurrence."

The Chair then granted the waiver.

Senator Chun Oakland, Chair of the Human Services and Public Housing, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following resolutions:

S.C.R. No. 80;
S.C.R. No. 122;
S.R. No. 47; and
S.R. No. 78.

Senator Chun Oakland noted:

"Madam President, all of these measures were requested to be heard. There were a number of joint Committees referred to these measures and we have finally gotten concurrence to have our Committee on Human Services and Public Housing have these measures referred to them solely."

The Chair granted the waiver.

APPOINTMENT OF CONFEREES

S.B. No. 46, 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. 46, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 58, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 58, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Hee, co-chair; Espero, Slom as managers on the part of the Senate at such conference.

S.B. No. 149, 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. 149, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Tsutsui, Whalen as managers on the part of the Senate at such conference.

S.B. No. 228, 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. 228, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 618 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 618, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Sakamoto, co-chair; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 755, 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. 755, S.D. 1, and the request for a conference on the subject matter thereof,

the President appointed Senators Inouye, chair; Tsutsui, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 784, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 784, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 1047 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1047, 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.

S.B. No. 1161, 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. 1161, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hee, co-chair; Fukunaga, Hemmings as managers on the part of the Senate at such conference.

S.B. No. 1236, 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. 1236, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Tokuda, Slom as managers on the part of the Senate at such conference.

S.B. No. 1529, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1529, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Hee, co-chair; Hooser, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 1709, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1709, S.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.

S.B. No. 1954, 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. 1954, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

S.B. No. 1957, 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. 1957, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 13, 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. 13, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Baker, co-chair; Nishihara, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 14, 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. 14, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Baker, co-chair; Tokuda, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 17, 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. 17, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Nishihara, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1014, 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. 1014, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Baker, co-chair; Tokuda, Gabbard as managers on the part of the Senate at such conference.

H.B. No. 1153 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1153, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Kokubun, Gabbard as managers on the part of the Senate at such conference.

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

“Madam President, I’d like to rise on a point of personal privilege.

“I rise, Madam President, regarding a column in this week’s *Midweek* written by Mr. Larry Price. It’s entitled, ‘Political Correctness Local Style.’ I believe it should have been titled, ‘Price’s Folly.’ This is in reference to the vote on Iwalani White and her rejection. He writes, ‘Ironically, with all of the “ohana” preaching at the Legislature, she was most likely denied acceptance by the legislators because she is a true Native Hawaiian and a minority.’ He continues to write, ‘In today’s Hawai’i, apparently there is no room for Native Hawaiians in upper management,’ and he continues, ‘She was rejected because it is not yet politically correct to have a female Native Hawaiian as a director.’

“What makes this whole situation a little more unfortunate and sad is that Mr. Price has been using his radio show and his columns in *Midweek* to state his opinion, and I do realize it’s the First Amendment. However, he has not publicly disclosed, as far as I’m aware, that his spouse is an employee of Iwalani White, and she is directly involved in one of the investigations which included a former deputy director of public safety who is no longer working with them.

“So with disclosure, I’d like everybody to know – since Mr. Price has not disclosed it – for the record, he does have conflict of interest, in my opinion, and he should so state it in his columns or on his radio station.

“Thank you, Madam President.”

Senator Baker rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege.

“Late last week, two more soldiers with Hawai’i ties were killed in the fighting in Iraq. One of those soldiers is a constituent of mine in Lahaina. Private First Class Jay S. Cajimat was 20 years old and a 2005 graduate of Lahainaluna High School. He was with the 2nd Battalion, 16th Infantry Regiment, 4th Infantry Brigade Combat Team, 1st Infantry Division, stationed at Fort Riley, Kansas.

“The second soldier with Hawai’i ties was Sgt. Forrest D. Cauthorn, 22, of Midlothian, Virginia. He was also killed in Iraq in the fighting last week. Sgt. Cauthorn was with the 2nd Battalion, 27th Infantry Regiment, 3rd Brigade Combat Team, 25th Infantry Division, at Schofield Barracks.

“Madam President and colleagues, to honor these brave young men, I respectfully request that when we adjourn our Session this morning that we do so on a rising vote to pay tribute to our fallen soldiers.

“Thank you.”

ADJOURNMENT

At 2:42 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 12, 2007, on a rising vote, observing a moment of silence in memory of Private First Class Jay S. Cajimat and Sgt. Forrest D. Cauthorn who were killed in Iraq.

ATTACHMENT "A"

DATE	EVENT
1984	A joint state-federal report identified structural stability problems at Kaloko Reservoir dam and estimated repair costs at \$1.9 million (HA 5-11-2006). "Kilauea Agricultural Water Management Study Report" issued in June 1984; report was prepared by the US Department of Agriculture Forest Service and Soil Conservation Service, in cooperation with DLNR and East Kaua'i Soil and Water Conservation District (HA 5-11-2006).
1987	Dam Safety Act of 1987 gives DLNR responsibility for inspecting dams in the State; prior to 1987, the responsibility resided with US Army Corps of Engineers (HA 3-22-2006 Blakeman, HA 5-11-2006). New Year's flood in which a levee breach in Kawai Nui marsh sends water into Kailua; Honolulu C&C is sued and settles by agreeing to pay \$5 million (HA 4-2-2006, Daysog).
1993	Stream beds in Kaloko area altered in 1993 says Don Heacock (SB 3-15-2006)
1997	Kauai County Planning Department issues grading violations notices to James Pflueger (SB 3-15-2006).
1999	Dam safety office suffers budget cuts and lost funding to contract out dam inspections (HA 3-22-2006, Blakeman).
2001	
March 2001	American Society of Civil Engineers issue a national report in which Hawaii received a "D" grade for its state-regulated dams (HA 3-16-2006).
October 18, 2001	DLNR dam safety engineer Sterling Young sends Pflueger and Mary Lucas Trust a security alert and asks them to provide a summary of what they are doing to protect the dams (HA 3-23-2006, TenBruggencate).
December 27, 2001	DLNR engineer sends certified letter to Pflueger asking for access to Kaloko reservoir; but letter is sent to Pflueger's dealership address (HA 3-23-2006, TenBruggencate).
2002	
2002	Kauai County Planning Department issues grading violations notices to James Pflueger (SB 3-15-2006).
2004	
October 2004	Catastrophic flooding in Manoa and UH.
December 2004	55 dams inspected by DLNR, 12/04 last time dam inspected; no dam inspections 2005-early 2006 (SB 3-21-2006, Apgar).
2005	
March 2005	American Society of Civil Engineers issue a national report in which Hawaii received a "D" grade for its state-regulated dams (HA 3-16-2006).
June 2005	Program Engineer in DLNR's dam safety and flood control office retires, senior engineer covers both jobs. DLNR's dam safety and flood control office has 3 positions and an annual budget of \$164,000 (SB 3-21-2006, Apgar).
October 2005	"We've been very fortunate we haven't had any major dam failure here," Edwin Matsuda, the state's only dam safety engineer (HA 3-16-2006 ; HA 10-23-2005). Matsuda's budget for 2005 was \$164,000 (HA 3-15-2006). "22 structures in dire need of repairs," article has listing and maps of dams; Nuuanu reservoir listed as "high hazard" (HA 10-23-2005 , Blakeman). Advertiser editorial: "Safety of our dams should concern us all" (HA 10-31-2005)
2006	
February 22, 2006	Melody Heidel, Sierra Club's conservation manager, emailed DLNR and DOH that the Kaloko dam had been breached (HA 3-18-2006, Blakeman).

March 5-11, 2006	James Pflueger begins stabilization measures on the Kaloko dam. The work is part of a settlement with the Environmental Protection Agency (SB 3-15-2006).
Kaloko Dam Breaks March 14, 2006	Governor Lingle conducted an aerial surveillance of dam damage and town hall meeting to update Kauai residents (HA 3-14-2006). Governor extends emergency proclamation (originally issued 3-2-2006); Governor authorizes state Civil Defense to destroy dam or reservoir on private property (SB 3-15-2006, Borreca and Finnegan). "Nothing that I'm aware of," answered Governor Lingle in response to a question what the State had done to improve its dam safety program (HA 3-15-2006).
March 15, 2006	"Officials knew of dam dangers," HA article by Karen Blakeman. "Without assigning blame, Lingle made it clear that someone would be held responsible" (statement made at Kauai town hall meeting, HA 3-16-2006, Peter Boylan).
March 17, 2006	Governor Lingle notes that one of the obstacles to dam inspection has been minimal staffing: "We have minimal staff that would be available to inspect dams anywhere in the state, certainly not the kind of staff that could do it on a regular basis." DLNR letter to all dam owners offering assistance in removing dams or reservoirs (GI 6-27-2006, Cynthia Kaneshiro).
March 19, 2006	HA article "Problems impede Isles' preparations for disaster." Inadequate response plans: doctor shortage, evacuation routes would be jammed in an emergency, lack of hardened shelters and retrofitted homes. State Civil Defense Vice Director Ed Teixeira said plans are in place for emergency inter island relief in a disaster (HA 3-19-2006).
March 26, 2006	UH professor Horst Brandes and other dam experts call for changes in State's dam inspection program (HA 3-26-2006, Blakeman).
March 27, 2006	Governor Lingle sends a request for disaster declaration to US Secretary of Agriculture Mike Johanns (HA 3-27-2006, Ohira).
March 29-April 4, 2006	"Kaloko dam developments" <i>Honolulu Weekly</i> p. 4. By Joan Conrow "But the Lingle administration was quick to note that its failure to inspect Kaloko Dam wasn't due to a lack of trying. As the official investigation into the deadly dam break continues, the state trotted out records that showed it had tried three times to gain access to the Kilauea property, which is co-owned by Jame Pflueger and the Lucas Estate. When its inspection requests were repeatedly ignored, the state apparently gave up, prompting some Kauai residents to question whether Pflueger had gotten preferential political treatment."
March 31, 2006	James Pflueger responds to DLNR's 3-17 letter asking for removal of Kaloko Dam (GI 6-27-2006, Cynthia Kaneshiro).
April 1, 2006	State Deputy AG Christopher Young announces that Kaloko investigation is now a criminal investigation (GI 4-1-2006, Ford Gunter).
April 2, 2006	Governor Lingle says that Hawaii laws make maintenance of dams and reservoirs on private property the responsibility of the owner (HA 4-2-2006, Rick Days). HA Commentary "Poor land-use practices led to disaster" – criticizes Lingle's attempt to eliminate Land Use Commission.
April 3, 2006	"State resumes dam inspections" (HA 4-4-2006, Eloise Aguiar)
April 3, 2006	Governor Lingle announces that she will ask state lawmakers to offer tax credits to households and businesses throughout the State that suffered property damage from the recent storms (HA 4-4-2006, Derrick DePledge; see also 4-5-2006 SB article by BJ Reyes).
April 5, 2006	State announces that it will tear down the Kailua Reservoir dam in Waimanalo (HA 4-5-2006, Eloise Aguiar; see also 4-5-2006 SB article by Nelson Daranciang). Inouye adds \$33.5 million in flood aid (4-5-2006 SB

	article by Tom Finnegan).
April 7, 2006	Alliance of 30 Kauai residents formed to seek independent investigation of Kaloko dam (4-7-2006 SB article, by Finnegan and Reyes).
April 11, 2006	Governor Lingle seeks presidential disaster declaration (SB 4-12-2006). Independent investigator urged (SB 4-11-2006). State, employees, and even Governor could face civil and criminal charges (SB 4-11-2006). Bruce Fehring and his neighbors form an alliance calling for an independent investigation of dam breach (4-11-2006 HA "Distrust rampant at site where dam failed" by DePledge and Shapiro).
April 12, 2006	Star-Bulletin editorial calls for independent dam investigation.
April 13, 2006	AG considering excavate areas around Kaloko dam in an attempt to locate spillway. Governor Lingle meets with 300 Kauai residents and assures them that the seven dams located above Koloa, Kukuiula and Poipu are safe. Maj. Gen. Robert Lee, state Civil Defense director, stated: "All (reservoirs) inspected posed no immediate threat to the structure of the dams." (SB 4-13-2006; Finnegan)
April 14, 2006	House of Representatives pass resolution urging AG Mark Bennett to appoint a special deputy to investigate Kaloko Dam; Governor Lingle said that Legislature could create its own special investigative committee but believes that Bennett should continue with his investigations (4-14-2006 HA, DePledge).
April 16, 2006	"The fatal Kaloko dam breach on Kaua'i has led to another round of difficult questions for the state Department of Land and Natural Resources, which over the past years had had to fend off several claims of poor and ineffective management." (Derrick DePledge, "Disastrous dam breach renews focus on problems at DLNR," HA.) "In an extraordinary admission, Peter Young, the department's director, had to acknowledge that the state has no record of ever inspecting the Kaloko dam and that a single engineer has been responsible for inspecting more than 130 dams statewide. The department also has yet to explain how it handled a warning from the Sierra Club about flooding near the dam three weeks before the March 14 breach that killed seven people and caused property and environmental damage."
April 19, 2006	Angry residents from Makiki and McCully complain about C&C inaction with respect to March 31 flooding of Makiki Stream (4-19-2006 SB, Adamski).
April 21, 2006	AG agrees to appoint special deputy to civil liability (HA 4-21-2006, DePledge).
April 22, 2006	The AG office and the state PUC send a team of 10 investigators to study the site of the Kaloko dam. The outside experts are expected to help determine the future of both the civil and criminal investigations into the dam breach (SB 4-22-2006).
April 24, 2006	State Department of Agriculture begins breaching Kailua Reservoir in Waimanalo; residents ask for environmental review (HA 4-27-2006).
April 28, 2006	HCR 192 adopted by Legislature: REQUESTING THE ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE.
April 29, 2006	"Lawmakers agree to \$50M in tax relief," HA 4-29-2006 , Derrick dePledge and Treena Shapiro.
April 30, 2006	US Army Corps of Engineers complete inspections of all 54 dams (HAW 5-12-2006).
May 1, 2006	Advertiser article: "Kaua'i still mired in flood misery" (HA 5-1-2006).
May 2, 2006	Garden Isle article: "Independent investigator to be named soon" (GI 5-2-

	2006).
May 12, 2006	William McCorriston, attorney for James Pflueger, accuses the state and federal government for not acting on the 1984 report. Peter Young responded: "Clearly the study was dealing with irrigation concerns over 20 years ago. ... It was not focused on dam safety." (SB 5-12-2006).
May 12, 2006	Governor Lingle praises US Army Corps of Engineers for doing what would take DLNR weeks to do (HAW 5-12-2006).
May 15, 2006	NY Times "Politics Stalls Plan to Bolster Flood Insurance." (Katrina related).
May 17, 2006	"Flooding simulations obsolete," new computer models needed as present models focus on what would make dams fail rather than movement of water resulting from dam failure (HA, 5-17-2006 Jan TenBruggencate). "State to release Kaua'i reservoir inspection results" (HA 5-17-2006 Jan TenBruggencate).
May 23, 2006	Legislature could take several weeks before forwarding list of candidates to investigate the 3/14 dam collapse (HA 5-23-2006, Treena Shapiro). Advertiser editorial: "State should not wait to take action on dams." (Calls for implementation of recommendations made by the State together with the US Army Corps of Engineers. Governor Lingle signs 3 bills related to hurricane preparedness (SB 5-23-2006).
May 26, 2006	Announcement that search committee will meet to discuss application process for investigating attorney (HA 5-26-2006).
May 30, 2006	DLNR plans to request long-term dam management plans for each dam by December says Peter Young (HA 5-30-2006, Dayton).
June 1, 2006	Kaloko dam investigator could be an outsider (SB 6-1-2006, Daranciang; HA 6-1-2006)
June 5, 2006	Contradictory state goals towards Kailua Reservoir: contractors breaching part of reservoir, Lingle authorized \$1M for restoring reservoir, but amount insufficient to turn it into "flood mitigation device" (SB 6-5-2006, Bernardo).
June 21, 2006	"Oahu reservoirs all need help" SB, by Diana Leong. All reservoirs were cited as suffering from lack of maintenance, but none were posed imminent danger to life and property. "50 percent of O'ahu dams vulnerable" HA, by Mike Leideman.
June 23, 2006	"State narrows list for Ka Loko investigator" SB B.J. Reyes. "Choices down to 5 to head Kaloko dam collapse investigation" HA.
June 24, 2006	"Owner of dam had asked to remove it" HA Jan TenBruggencate. Article has URLs leading to PDF files of DLNR's letter and Pflueger's response letter.
June 26, 2006	"Kaloko remains a vein of life: Farmers say crops will die if reservoir water stops flowing" HA, Jan TenBruggencate.
June 27, 2006	"Pflueger awaits state response on Ka Loko dam" GI, Cynthia Kaneshiro. Announcement that DLNR has yet to respond to Pflueger's letter requesting help in removing dam.
June 30, 2006	"Victims' families sue dam owners" HA, Jan TenBruggencate and Peter Boylan. "Suit accuses Pflueger of covering spillway" SB, Debra Baraygua. "Pflueger named in Ka Loko civil suit" GI, Cynthia Kaneshiro.
July 1, 2006	"3 Big Island dams found unsafe" SB, Associated Press. "Big Island dams get favorable report" Kevin Dayton, HA.
July 8, 2006	"Kaloko civil investigation head named," HA, Jan TenBruggencate. "Former Justice Department lawyer to probe dam break," SB, Tom Finnegan.
July 14, 2006	"Maui dam inspections released" HA, Advertiser staff. (53 dams on Maui,

	no immediate threat)
July 15, 2006	"No danger found in Maui dam inquiry" HA, Christie Wilson. "53 Maui dams require fixes" SB, Gary T. Kubota.
July 26, 2006	"Investigators to drill for soil samples at Ka Loko," SB, Tom Finnegan.
August 10, 2006	"Pflueger files lawsuit against state, C. Brewer" GI, Ford Gunter "Pflueger suit faults state, C. Brewer" HA, Jan TenBruggencate
August 11, 2006	"Suits distribute blame for dam," SB 8-11-2006 , Tom Finnegan
August 12, 2006	"Ka Loko seller maintains dam owner created hazard," SB 8-12-2006 , Tom Finnegan.
August 16, 2006	"Kauai county to begin debris clean up after dam break" SB 8-16-2006 , by Tom Finnegan.
August 23, 2006	"Dam breach investigation looks at prevention," SB 8-23-2006 , Tom Finnegan.
September 20, 2006	"County called halt to '97 probe of Ka Loko," Tom Finnegan, HA 9-20-2006 .

SOURCES:

GI = Garden Isle

HA = Honolulu Advertiser

HAW = Hawaii Army Weekly

SB = Honolulu Star-Bulletin