

## FIFTY-NINTH DAY

Tuesday, May 1, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 10:38 o'clock a.m. with the President in the Chair.

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

The President announced that she had read and approved the Journal of the Fifty-Eighth Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 807, dated April 27, 2007, transmitting her statement of objections to House Bill No. 10 which she has returned to the House of Representatives without her approval and which reads as follows:

“EXECUTIVE CHAMBERS  
HONOLULU

April 27, 2007

## STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 10

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 10.

This bill would mandate that pharmaceutical companies, which voluntarily participate in the Hawaii Rx Plus program, provide rebates in addition to the discounted prescription prices that the manufacturers already provide to enrollees in the Hawaii Rx Plus program. It also requires the Department of Human Services to disclose information on drug manufacturing costs.

This bill is objectionable because its enactment will likely cause voluntary participation in the Hawaii Rx Plus program by prescription drug manufacturers to end. Approximately 112,000 Hawaii residents participate in the Hawaii Rx Plus program. Low-income uninsured and underinsured residents who are enrolled in the Hawaii Rx Plus program and need prescription medications would be hurt by enactment of this legislation.

Second, this bill sets no mandatory level for the rebate. Thus, firms could make token offers and still be in compliance. Nor does the bill seem to recognize that the major reason why the rebates have not been successful is the limited volume of prescriptions written on a monthly basis under Hawaii Rx Plus.

Finally, the bill does not recognize the role the federal Centers for Medicare and Medicaid Services play in securing rebates for government-approved drug programs. Without the Centers for Medicare and Medicaid Services' approval, the Department of Human Services does not have the ability to impose a meaningful penalty on the prescription drug manufacturers that do not provide rebates.

My Administration supports the requirement of rebates from drug manufacturers but believes the rebates must be

implemented in an appropriate and effective manner. My office proposed House Bill No. 1359, which is currently being considered in conference committee. This bill consolidates the current Medicare Part D State Pharmacy Assistance program and the Hawaii Rx Plus program under a single comprehensive Hawaii State Pharmacy Assistance Program. Once the Department obtains approval from the Centers for Medicare and Medicaid Services as a federally qualified state pharmaceutical assistance program, prescriptions purchased by Hawaii Rx Plus program enrollees will qualify for the same mandatory and supplemental rebates received by the Medicaid program. In addition, the market size of this consolidated program would be larger by the integration of the Hawaii Rx program into the State Pharmacy Assistance Program.

Should the Legislature send me a bill that incorporates a comprehensive approach such as that embodied in House Bill No. 1359, ensuring that the State has appropriate authority to secure pharmaceutical rebates and which will not discourage manufacturer participation in the Hawaii Rx Plus program, then I would be able to sign that measure.

For the foregoing reasons, I am returning House Bill No. 10 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii,”

was read by the Clerk and was placed on file.

## DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 34 and 35) were read by the Clerk and were placed on file:

Dept. Com. No. 34, from the State Auditor, dated April 13, 2007, transmitting a report, “Cost Analysis of Disability Parking Placards,” (Report No. 07-05).

Dept. Com. No. 35, from the State Auditor, dated April 27, 2007, transmitting a report, “Sunrise Analysis: Nurse Aides,” (Report No. 07-06).

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 851 to 854) were read by the Clerk and were placed on file:

Hse. Com. No. 851, informing the Senate that the Speaker on April 27, 2007, made the following changes to the conferees on the following bill:

S.B. No. 1792, S.D. 3 (H.D. 3):

Discharged Representative Green as Co-Chair.  
Added Representative Green as a member.

Hse. Com. No. 852, informing the Senate that the Speaker on April 27, 2007, made the following changes to the conferees on the following bill:

S.B. No. 1792, S.D. 3 (H.D. 3):

Discharged Representative Green as member.

Added Representatives Green and Tokioka as Co-Chairs.

Hse. Com. No. 853, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 27, 2007:

S.B. No. 920, S.D. 1, H.D. 1, C.D. 1;  
S.B. No. 1047, H.D. 2, C.D. 1; and  
S.B. No. 1410, S.D. 1, H.D. 1, C.D. 1.

Hse. Com. No. 854, returning S.C.R. No. 17, which was adopted by the House of Representatives on April 27, 2007.

#### CONFERENCE COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 709, S.D. 2, presented a report (Conf. Com. Rep. No. 121) recommending that S.B. No. 709, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121 and S.B. No. 709, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 810, S.D. 2, presented a report (Conf. Com. Rep. No. 122) recommending that S.B. No. 810, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122 and S.B. No. 810, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIMANO RIDGE," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1115, S.D. 2, presented a report (Conf. Com. Rep. No. 123) recommending that S.B. No. 1115, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123 and S.B. No. 1115, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1170, S.D. 1, presented a report (Conf. Com. Rep. No. 124) recommending that S.B. No. 1170, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124 and S.B. No. 1170, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 932, S.D. 2, presented a report (Conf. Com. Rep. No. 125) recommending that S.B. No. 932, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125 and

S.B. No. 932, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMPREHENSIVE OFFENDER REENTRY SYSTEM," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 104, H.D. 2, presented a report (Conf. Com. Rep. No. 134) recommending that H.B. No. 104, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 134 and H.B. No. 104, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 531, H.D. 3, presented a report (Conf. Com. Rep. No. 135) recommending that H.B. No. 531, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 135 and H.B. No. 531, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 226, H.D. 2, presented a report (Conf. Com. Rep. No. 136) recommending that H.B. No. 226, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136 and H.B. No. 226, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 90, H.D. 2, presented a report (Conf. Com. Rep. No. 137) recommending that H.B. No. 90, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137 and H.B. No. 90, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 899, H.D. 1, presented a report (Conf. Com. Rep. No. 138) recommending that H.B. No. 899, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138 and H.B. No. 899, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED STRATEGIES FOR STATEWIDE FOOD AND ENERGY CROP PRODUCTION," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1221, H.D. 2, presented a report (Conf. Com. Rep. No. 139) recommending that H.B. No. 1221, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139 and H.B. No. 1221, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1211, H.D. 2, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 1211, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140 and H.B. No. 1211, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 855, H.D. 1, presented a report (Conf. Com. Rep. No. 141) recommending that H.B. No. 855, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141 and H.B. No. 855, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 833, H.D. 2, presented a report (Conf. Com. Rep. No. 142) recommending that H.B. No. 833, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142 and H.B. No. 833, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1292, H.D. 1, presented a report (Conf. Com. Rep. No. 143) recommending that H.B. No. 1292, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 143 and H.B. No. 1292, H.D. 1, S.D. 2, C.D. 1, was deferred until later on the calendar.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1567, presented a report (Conf. Com. Rep. No. 144) recommending that H.B. No. 1567, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144 and H.B. No. 1567, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 751, H.D. 1, presented a report (Conf. Com. Rep. No. 145) recommending that H.B. No. 751, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 145 and H.B. No. 751, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1572, presented a report (Conf. Com. Rep. No. 146) recommending that H.B. No. 1572, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 146 and H.B. No. 1572, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1569, presented a report (Conf. Com. Rep. No. 147) recommending that H.B. No. 1569, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 147 and H.B. No. 1569, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1568, presented a report (Conf. Com. Rep. No. 148) recommending that H.B. No. 1568, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 148 and H.B. No. 1568, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1345, H.D. 2, presented a report (Conf. Com. Rep. No. 149) recommending that H.B. No. 1345, H.D. 2, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 149 and H.B. No. 1345, H.D. 2, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR NATURAL DISASTERS," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 831, H.D. 2, presented a report (Conf. Com. Rep. No. 150) recommending that H.B. No. 831, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 150 and H.B. No. 831, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 24, H.D. 1, presented a report (Conf. Com. Rep. No. 151) recommending that H.B. No. 24, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 151 and H.B. No. 24, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1757, H.D. 1, presented a report (Conf. Com. Rep. No. 152) recommending that H.B. No. 1757, H.D. 1, S.D. 3, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 152 and H.B. No. 1757, H.D. 1, S.D. 3, C.D. 1, was deferred until later on the calendar.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1171, H.D. 1, presented a report (Conf. Com. Rep. No. 153) recommending that H.B. No. 1171, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 153 and H.B. No. 1171, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 19, H.D. 2, presented a report (Conf. Com. Rep. No. 154) recommending that H.B. No. 19, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 154 and H.B. No. 19, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1003, H.D. 3, presented a report (Conf. Com. Rep. No. 155) recommending that H.B. No. 1003, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

Senator Baker rose and said:

"Madam President, may I request that remarks be inserted in the Journal for Conf. Com. Rep. No. 155."

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

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

"Last year the Legislature passed Act 240, showing our commitment to the development of renewable energy. If we want to continue this work we need to establish a Natural Energy Institute at the University of Hawaii at Manoa. If we want to show that we are truly committed to an environmentally friendly Hawaii we need to develop a bioenergy master plan. If we want to decrease our dependence on oil, we need to find viable alternatives.

"I believe this is a good bill, and I ask all my colleagues to support it. Thank you."

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 155 and H.B. No. 1003, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1359, H.D. 1, presented a report (Conf. Com. Rep. No. 156) recommending that H.B. No. 1359, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 156 and H.B. No. 1359, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 55, H.D. 1, presented a report (Conf. Com. Rep. No. 157) recommending that H.B. No. 55, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 157 and H.B. No. 55, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 807, H.D. 1, presented a report (Conf. Com. Rep. No. 158) recommending that H.B. No. 807, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 158 and H.B. No. 807, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 843, H.D. 2, presented a report (Conf. Com. Rep. No. 159) recommending that H.B. No. 843, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 159 and H.B. No. 843, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAHUKU HOSPITAL," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1477, H.D. 2, presented a report (Conf. Com. Rep. No. 160) recommending that H.B. No. 1477, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 160 and H.B. No. 1477, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTH CARE TRAINING," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 367, H.D. 1, presented a report (Conf. Com. Rep. No. 161) recommending that H.B. No. 367, H.D. 1, S.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 161 and H.B. No. 367, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1368, presented a report (Conf. Com. Rep. No. 162) recommending that H.B. No. 1368, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 162 and H.B. No. 1368, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL AND MEDICAL FACILITIES SPECIAL FUND," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1220, H.D. 1, presented a report (Conf. Com. Rep. No. 163) recommending that H.B. No. 1220, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 163 and H.B. No. 1220, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 400, H.D. 1, presented a report (Conf. Com. Rep. No. 164) recommending that H.B. No. 400, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 164 and H.B. No. 400, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 399, H.D. 1, presented a report (Conf. Com. Rep. No. 165) recommending that H.B. No. 399, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 165 and H.B. No. 399, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1435, H.D. 1, presented a report (Conf. Com. Rep. No. 166) recommending that H.B. No. 1435, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 166 and H.B. No. 1435, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 575, H.D. 1, presented a report (Conf. Com. Rep. No. 167) recommending that H.B. No. 575, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 167 and H.B. No. 575, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCIES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1866, H.D. 3, presented a report (Conf. Com. Rep. No. 168) recommending that H.B. No. 1866, H.D. 3, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 168 and H.B. No. 1866, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1719, H.D. 1, presented a report (Conf. Com. Rep. No. 169) recommending that H.B. No. 1719, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 169 and H.B. No. 1719, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1352, H.D. 1, presented a report (Conf. Com. Rep. No. 170) recommending that H.B. No. 1352, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 170 and H.B. No. 1352, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO PLAN FOR THE FIFTIETH ANNIVERSARY OF HAWAII STATEHOOD," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1718, presented a report (Conf. Com. Rep. No. 171) recommending that S.B. No. 1718, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 171 and S.B. No. 1718, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ELECTRICAL GENERATION ON THE ISLAND OF MAUI," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 686, S.D. 1, presented a report (Conf. Com. Rep. No. 172) recommending that S.B. No. 686, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 172 and S.B. No. 686, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL ASSISTANTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 688, S.D. 2, presented a report (Conf. Com. Rep. No. 173) recommending that S.B. No. 688, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 173 and S.B. No. 688, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1614, S.D. 1, presented a report (Conf. Com. Rep. No. 174) recommending that S.B. No. 1614, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 174 and S.B. No. 1614, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1820, S.D. 1, presented a report (Conf. Com. Rep. No. 175) recommending that S.B. No. 1820, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 175 and S.B. No. 1820, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1931, S.D. 2, presented a report (Conf. Com. Rep. No. 176) recommending that S.B. No. 1931, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 176 and S.B. No. 1931, S.D. 2, H.D. 3, C.D. 1, was deferred until later on the calendar.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1133, S.D. 3, presented a report (Conf. Com. Rep. No. 177) recommending that S.B. No. 1133, S.D. 3, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 177 and S.B. No. 1133, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 600, presented a report (Conf. Com. Rep. No. 178) recommending that S.B. No. 600, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 178 and S.B. No. 600, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1034, S.D. 2, presented a report (Conf. Com. Rep. No. 179) recommending that S.B. No. 1034, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 179 and S.B. No. 1034, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1922, S.D. 2, presented a report (Conf. Com. Rep. No. 180) recommending that S.B. No. 1922, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 180 and S.B. No. 1922, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CREATIVE MEDIA," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 317, H.D. 2, presented a report (Conf. Com. Rep. No. 181) recommending that H.B. No. 317, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 181 and H.B. No. 317, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYMENT ORGANIZATIONS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 310, H.D. 2, presented a report (Conf. Com. Rep. No. 182) recommending that H.B. No. 310, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 182 and H.B. No. 310, H.D. 2, S.D. 2, C.D. 1, was deferred until later on the calendar.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1670, H.D. 2, presented a report (Conf. Com. Rep. No. 183) recommending that H.B. No. 1670, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 183 and H.B. No. 1670, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INGENUITY CHARTER," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1083, H.D. 2, presented a report (Conf. Com. Rep. No. 184) recommending that H.B. No. 1083, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 184 and H.B. No. 1083, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was deferred for a period of 48 hours.

Senator Nishihara, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1659, H.D. 2, presented a report (Conf. Com. Rep. No. 185) recommending that H.B. No. 1659, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 185 and H.B. No. 1659, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1270, H.D. 2, presented a report (Conf. Com. Rep. No. 186) recommending that H.B. No. 1270, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 186 and H.B. No. 1270, H.D. 2, S.D. 2, C.D. 1, was deferred until later on the calendar.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 767, H.D. 2, presented a report (Conf. Com. Rep. No. 187) recommending that H.B. No. 767, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 187 and H.B. No. 767, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RUNNING START PROGRAM FOR COLLEGE PREPARATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 777, H.D. 2, presented a report (Conf. Com. Rep. No. 188) recommending that H.B. No. 777, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 188 and H.B. No. 777, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1014, H.D. 2, presented a report (Conf. Com. Rep. No. 189) recommending that H.B. No. 1014, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 189 and H.B. No. 1014, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1764, H.D. 1, presented a report (Conf. Com. Rep. No. 190) recommending that H.B. No. 1764, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 190 and H.B. No. 1764, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST HAWAII HEALTH SYSTEMS CORPORATION OR ANY OF ITS REGIONAL SUBSIDIARY CORPORATIONS," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 914, S.D. 2, presented a report (Conf. Com. Rep. No. 191) recommending that S.B. No. 914, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 191 and S.B. No. 914, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH ISSUES OF COMMITTED PERSONS," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1174, S.D. 1, presented a report (Conf. Com. Rep. No. 192) recommending that S.B. No. 1174, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 192 and S.B. No. 1174, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PARENTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 613, S.D. 2, presented a report (Conf. Com. Rep. No. 193) recommending that S.B. No. 613, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 193 and S.B. No. 613, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 885, S.D. 2, presented a report (Conf. Com. Rep. No. 194) recommending that S.B. No. 885, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 194 and S.B. No. 885, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 603, S.D. 2, presented a report (Conf. Com. Rep. No. 195) recommending that S.B. No. 603, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 195 and S.B. No. 603, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1917, S.D. 3, presented a report (Conf. Com. Rep. No. 196) recommending that S.B. No. 1917, S.D. 3, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 196 and S.B. No. 1917, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Senator Ige, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1792, S.D. 3, presented a report (Conf. Com. Rep. No. 197) recommending that S.B. No. 1792, S.D. 3, H.D. 3, as amended in C.D. 1, pass Final Reading.

By unanimous consent, action on Conf. Com. Rep. No. 197 and S.B. No. 1792, S.D. 3, H.D. 3, C.D. 1, was deferred until later on the calendar.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 907, S.D. 2, presented a report (Conf. Com. Rep. No. 198) recommending that S.B. No. 907, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 198 and S.B. No. 907, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1631, H.D. 2, presented a report (Conf. Com. Rep. No. 199) recommending that H.B. No. 1631, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 199 and H.B. No. 1631, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY BUSINESS INVESTMENT TAX CREDIT," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1008, H.D. 2, presented a report (Conf. Com. Rep. No. 200) recommending that H.B. No. 1008, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 200 and H.B. No. 1008, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S HEALTH CARE," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 212, H.D. 2, presented a report (Conf. Com. Rep. No. 201) recommending that H.B. No. 212, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 201 and H.B. No. 212, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1529, H.D. 2, presented a report (Conf. Com. Rep. No. 202) recommending that H.B. No. 1529, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 202 and H.B. No. 1529, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SCHOLARSHIP PROGRAMS AT THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1365, S.D. 2, presented a report (Conf. Com. Rep. No. 203) recommending that S.B. No. 1365, S.D. 2, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 203 and S.B. No. 1365, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INNOVATION ECONOMY," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.C.R. No. 209, presented a report (Conf. Com. Rep. No. 204) recommending that S.C.R. No. 209, H.D. 1, as amended in C.D. 1, be Finally Adopted.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 204 and S.C.R. No. 209, H.D. 1, C.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR THE USE OF MEDICAL VIGILANCE SERVICES IN ACUTE CARE HOSPITALS," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senators Chun Oakland and Ige, for the Committee on Human Services and Public Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 1961) recommending that H.C.R. No. 54 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1961 and H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH AN INTERIM TASK FORCE TO REVIEW THE STATE MAXIMUM ALLOWABLE COST PROGRAM'S REIMBURSEMENT POLICY AND ITS IMPACT ON SMALL, INDEPENDENT, COMMUNITY PHARMACIES," was deferred until Thursday, May 3, 2007.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1962) recommending that H.C.R. No. 140, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1962 and H.C.R. No. 140, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO COLLECT DATA AND REPORT STATISTICS RELATED TO CASES OF ABUSE OF VULNERABLE ADULTS," was deferred until Thursday, May 3, 2007.



Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1963) recommending that H.C.R. No. 344, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1963 and H.C.R. No. 344, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO SUPPORT PROJECT CUDDLE AND ASSESS THE FEASIBILITY OF ADVERTISING ITS HOTLINE," was deferred until Thursday, May 3, 2007.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1964) recommending that H.C.R. No. 141 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1964 and H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT LEGISLATION AUTHORIZING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO NEGOTIATE LOWER DRUG PRICES ON BEHALF OF MEDICARE BENEFICIARIES," was deferred until Thursday, May 3, 2007.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1965) recommending that H.C.R. No. 217 adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1965 and H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO INCREASE, FOR SOCIAL SECURITY BENEFICIARIES, THE LEVELS OF PROVISIONAL INCOME, WHICH INCLUDE SOCIAL SECURITY BENEFITS, BY AN AMOUNT EQUAL TO THE FEDERAL COST OF LIVING ALLOWANCE GRANTED TO FEDERAL EMPLOYEES IN HAWAII," was deferred until Thursday, May 3, 2007.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1966) recommending that S.R. No. 10, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1966 and S.R. No. 10, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE SENATE COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING TO CONVENE A WORKING GROUP TO FURTHER STUDY RECOMMENDATIONS MADE BY THE SCR 52 TASK FORCE COMMITTEES," was deferred until Thursday, May 3, 2007.

## CONFERENCE COMMITTEE REPORTS

### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 143 (H.B. No. 1292, H.D. 1, S.D. 2, C.D. 1):

Senator Hee offered the following amendment (Floor Amendment No. 21) to H.B. No. 1292, H.D. 1, S.D. 2, C.D. 1:

### SECTION 1. House Bill No. 1292, H.D. 1, S.D. 2, C.D. 1, is amended by amending section 8 to read as follows:

"SECTION 8. Section 88-73, Hawaii Revised Statutes, is amended to read as follows:

"§88-73 Service retirement. (a) Any member who has at least five years of credited service and who has attained age fifty-five or any member who has at least twenty-five years of credited service or any member who has at least ten years of credited service, which includes service as a judge before July 1, 1999, an elective officer, or a legislative officer, shall become eligible to receive a retirement allowance after the member has terminated service.

(b) Any member who first earned credited service as a judge after June 30, 1999, and who has at least five years of credited service and has attained age fifty-five or has at least twenty-five years of credited service shall become eligible to receive a retirement allowance after the member has terminated service.

(c) A member may retire upon the written application specifying the date of retirement, which shall not be less than thirty days nor more than one hundred fifty days subsequent to the date of filing. Retirement shall be effective on the first day of a month, except for the month of December when retirement on the first or last day of the month shall be allowed.

(d) Any member of the legislature who attains age sixty-five may retire and receive a service retirement allowance although the member continues to fill the elective position.

~~(e) For the purpose of computing or determining benefits for an elective officer or judge, or any beneficiary of either, the date upon which the elective officer or judge makes an election to retire, as provided by section 88-61(e), after attaining an allowance of seventy-five per cent of the member's average final compensation, shall be used as the date the member is eligible to receive a service retirement benefit. The elective officer or judge may continue in active service, but shall not receive a retirement allowance until termination of active service. Upon leaving active service, the elective officer or judge shall receive the retirement allowance provided for in section 88-74, together with the post-retirement allowances provided for in section 88-90, effective on the first day of a month except the month of December when retirement benefits shall be effective on the first or last day of the month. Post-retirement allowances shall be computed from the date of the election as though the elective officer or judge had left active service on that day.~~

~~(f)~~ (e) In the case of a class A or B member who also has prior credited service under part VII or part VIII, total credited service as a class A, class B, class C, and class H member shall be used to determine the eligibility for retirement allowance."

Senator Hee moved that Floor Amendment No. 21 be adopted, seconded by Senator Baker.

Senator Hee rose in support of the floor amendment and said:

"Madam President and colleagues, the amendment deletes a section of the bill that we discussed in Conference and unfortunately it may have been ill-advised when discussing this with the caucus, and it's inconsistent with the bill itself so I wish to have the amendment considered in its place."

The motion to adopt Floor Amendment No. 21 was put by the Chair and carried.

Senator Hee moved that Conf. Com. Rep. No. 143 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, H.B. No. 1292, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 152 (H.B. No. 1757, H.D. 1, S.D. 3, C.D. 1):

Senator English offered the following amendment (Floor Amendment No. 22) to H.B. No. 1757, H.D. 1, S.D. 3, C.D. 1:

**SECTION 1. House Bill No. 1757, H.D. 1, S.D. 3, C.D. 1, is amended by amending section 2 to read as follows:**

"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 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 gross proceeds arising from the sale of 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) A producer, wholesaler, or retailer of alcohol fuels shall pass any savings realized from this exemption on to the end consumer. Any producer or wholesaler who violates this subsection shall be subject to a fine of \$100,000. Notwithstanding any law to the contrary, a violation of this subsection shall be deemed an unfair or deceptive act or practice in violation of and enforceable under chapter 480.

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

Senator English moved that Floor Amendment No. 22 be adopted, seconded by Senator Hee.

Senator English rose to support the floor amendment as follows:

"Members, this removes a sentence in subsection (c) of Section 2, which is the exemption of the sale of alcohol fuels, to remove an ambiguity that the sentence put in place here. So we're taking that out to make it clear."

The motion to adopt Floor Amendment No. 22 was put by the Chair and carried.

Senator English moved that Conf. Com. Rep. No. 152 be received and placed on file, seconded by Senator Hee and carried.

By unanimous consent, H.B. No. 1757, H.D. 1, S.D. 3, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 176 (S.B. No. 1931, S.D. 2, H.D. 3, C.D. 1):

Senator Sakamoto offered the following amendment (Floor Amendment No. 23) to S.B. No. 1931, S.D. 2, H.D. 3, C.D. 1:

**SECTION 1. Senate Bill No. 1931, S.D. 2, H.D. 3, C.D. 1 is amended by amending sections 1 and 2 to read as follows:**

"SECTION 1. (a) There is established an educational workforce working group within the department of labor and industrial relations for administrative purposes only. The chairperson of the workforce development council or the chairperson's designee shall convene the first meeting of the educational workforce working group no later than August 1, 2007, at which time the members shall select a chair, to examine and address the following issues:

- (1) How well the workforce needs of Hawaii are currently being met;
- (2) How prepared the State is to meet the workforce needs of the future;
- (3) What recommendations can be made to improve Hawaii's educational system to fulfill the workforce needs of the future;
- (4) What is the current relationship between the public schools and emerging industries;
- (5) What percentage of high school students participate in any form of vocational or professional training outside of the school setting;
- (6) What aspects of high school curriculum, standards, and assessment strategies have a direct relationship to the State's future workforce needs;
- (7) What are the challenges or impediments to creating a more direct relationship between schools and economy-driving industries of the State;
- (8) How might autonomous schools-within-schools, magnet schools, specialized schools, and charter schools be better used to create more direct links between high schools and economy-driving industries of the State; and
- (9) How might the size of public schools, the distribution of discretionary funding, the decentralized authority of school community councils or charter school local school boards, and other organizational reforms be better used to satisfy the workforce development needs of the information and technology age.

(b) The educational workforce working group shall submit a report on its findings and recommendations regarding the issues set forth in subsection (a), including any recommendations and proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2008.

(c) The membership of the educational workforce working group shall be as follows:

- (1) Two representatives appointed by the president of the senate;
- (2) Two representatives appointed by the speaker of the house of representatives;
- (3) The director of business, economic development, and tourism or the director's designee;
- (4) The superintendent of education or the superintendent's designee;
- (5) Two representatives from the University of Hawaii system; provided that at least one shall be the chancellor of a community college;
- (6) Two high school principals appointed by the superintendent of education from the high school principals leadership group;
- (7) The executive director of the Hawaii P-20 council or the executive director's designee;
- (8) The chairperson of the workforce development council or the chairperson's designee;
- (9) The president and chief executive officer of Enterprise Honolulu or the president and chief executive officer's designee;
- (10) The president of the Hawaii Science and Technology Council or the president's designee;
- (11) The president and chief executive officer of the Hawaii Community Foundation or the president and chief executive officer's designee; and

(12) The executive director of the Honolulu Community Action Program or the executive director's designee.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$25,000 or so much thereof as may be necessary for fiscal year 2007-2008 for the educational workforce working group.

The sum appropriated shall be expended by the department of labor and industrial relations for the purposes of this part."

Senator Sakamoto moved that Floor Amendment No. 23 be adopted, seconded by Senator Baker.

Senator Sakamoto rose in support of the amendment and said:

"Madam President, in discussion with the Ann Yamamoto of the Workforce Development Council, the task force would more closely tie to the Workforce Development Council which is part of the Department of Labor and Industrial Relations versus DBEDT, so we're changing the expending agency to make that connection."

The motion to adopt Floor Amendment No. 23 was put by the Chair and carried.

Senator Sakamoto moved that Conf. Com. Rep. No. 176 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, S.B. No. 1931, S.D. 2, H.D. 3, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 182 (H.B. No. 310, H.D. 2, S.D. 2, C.D. 1):

Senator Fukunaga offered the following amendment (Floor Amendment No. 24) to H.B. No. 310, H.D. 2, S.D. 2, C.D. 1:

SECTION 1. House Bill No. 310, H.D. 2, S.D. 2, C.D. 1 (RELATING TO TECHNOLOGY), is amended by adding a new section 3 to read:

"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 for the purpose of supporting the work of the Hawaii broadband task force established in section 2.

The sum appropriated shall be expended by the office of the auditor for the purposes of this Act."

Senator Fukunaga moved that Floor Amendment No. 24 be adopted, seconded by Senator Baker.

Senator Fukunaga rose in support of the amendment as follows:

"Madam President, the conference draft inadvertently did not include the funding that has been provided for this task force."

The motion to adopt Floor Amendment No. 24 was put by the Chair and carried.

Senator Fukunaga moved that Conf. Com. Rep. No. 182 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, H.B. No. 310, H.D. 2, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 186 (H.B. No. 1270, H.D. 2, S.D. 2, C.D. 1):

Senator Kokubun offered the following amendment (Floor Amendment No. 25) to H.B. No. 1270, H.D. 2, S.D. 2, C.D. 1:

**SECTION 1. House Bill No. 1270, H.D. 2, S.D. 2, C.D. 1 is amended as follows:**

1. By adding a new section 5 to read:

"SECTION 5. There is appropriated out of the statewide geospatial information and data integration special fund created in section 2 of this part the sum of \$500,000 or so much 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 purposes of the statewide geospatial information and data integration special fund.

The sums appropriated shall be expended by the office of planning of the department of business, economic development, and tourism for the purposes of the statewide geospatial information and data integration special fund."

2. By renumbering section 5 as section 6, section 6 as section 7, section 7 as section 8, and section 8 as section 9.

Senator Kokubun moved that Floor Amendment No. 25 be adopted, seconded by Senator Baker.

Senator Kokubun rose in support of the floor amendment and said:

"Madam President, this bill allows a spending ceiling to be created for the special fund so that the GIS can be implemented."

The motion to adopt Floor Amendment No. 25 was put by the Chair and carried.

Senator Kokubun moved that Conf. Com. Rep. No. 186 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, H.B. No. 1270, H.D. 2, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 197 (S.B. No. 1792, S.D. 3, H.D. 3, C.D. 1):

Senator Ige then offered the following amendment (Floor Amendment No. 26) to S.B. No. 1792, S.D. 3, H.D. 3, C.D. 1:

SECTION 1. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1, is amended by amending section 2 as follows:

1. Page 5, lines 9 and 17: By deleting the word "regions" and inserting "regional systems".

2. Page 5, line 17: By deleting the word "region" and inserting "regional system".

3. Page 6, line 1: By adding "by the corporation" following the word "added" and adding the word "system" following the word "regional".

4. Page 6, line 5: By deleting the word "region" and inserting "regional system".

5. Page 7: By deleting lines 6 through 11 and inserting: "Four members shall be appointed by the governor within thirty

days from a list of eight individuals nominated by the regional public health facility management advisory committee within fifteen days of the effective date of this Act. These individuals may be medical and health care ...”

6. Page 7, line 22; page 8, lines 3, 11 and 15; and page 9, line 9: By deleting “region” and inserting “regional system”.

7. Page 10, line 20: By deleting the word “The” and inserting “Each”.

8. Page 11, line 2: By deleting the word “region” and inserting “regional system”.

9. Page 11, lines 14 and 15: By deleting the word “The” and inserting “Each”; deleting the phrase “the regional chief executive officer’s” and inserting “their”; and changing “designee” to “designees”.

10. Page 11, line 19: By deleting the word “region” and inserting “regional system”.

SECTION 2. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 10 at page 26, line 22; and page 27, lines 1 and 2, as follows: By deleting the word “region” and inserting “regional system”.

SECTION 3. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 17 at page 42, line 18, as follows: By deleting the word “region” and inserting “regional system”.

SECTION 4. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 18 at page 43, line 15, as follows: By deleting the word “regions” and inserting “regional systems”.

SECTION 5. Senate Bill No. 1792, S.D.3, H.D. 3, C.D. 1 is amended by amending section 19 as follows: “By amending section 323F-3(a) and (b), Hawaii Revised Statutes, to read as follows:

“(a) The corporation shall be governed by a ~~[thirteen-member]~~ fifteen-member board of directors ~~[which]~~ that shall carry out the duties and responsibilities of the corporation.

(b) ~~[Ten]~~ Twelve members of the corporation board shall be appointed ~~[by the governor]~~ as follows:

- (1) ~~[One member from region I who resides]~~ Two members from regional system I who reside in the city and county of Honolulu~~;~~ shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;
- (2) ~~[One member from region II who resides]~~ Two members from regional system II who reside in the county of Kauai~~;~~ shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;
- (3) ~~[One member from region III who resides]~~ Two members from regional system III who reside in the county of Maui~~;~~ shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the

president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;

- (4) ~~[One member from region IV who resides]~~ Two members from regional system IV who reside in the eastern section of the county of Hawaii~~;~~ shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;
- (5) ~~[One member from region V who resides]~~ Two members from regional system V who reside in the western section of the county of Hawaii~~;~~ shall be appointed by the governor from a list consisting of four individuals, two individuals submitted by the speaker of the house of representatives and two individuals submitted by the president of the senate within fifteen days of the effective date of this Act; provided that this list shall not include physicians;
- (6) ~~[One member from region II who resides in the county of Kauai or from region III who resides in the district of Hana or on the island of Lanai; provided that in no event shall the member be appointed from the same region for two consecutive terms; and]~~ Two additional members who reside in the State shall be appointed by the governor.

~~[(7) Four at-large members who reside in the State.~~

~~The eleventh member shall be the chairperson of the executive public health facility management advisory committee, who shall serve as an ex officio, voting member.~~

~~The twelfth member,~~ The thirteenth and fourteenth members, who shall serve as ~~[a] voting [member,]~~ members, shall be ~~[a physieian]~~ physicians with active medical staff privileges at one of the corporation’s public health facilities. The physician ~~[member]~~ members shall each serve a term of two years. The initial physician ~~[member]~~ members shall be from ~~[region]~~ regional system II, and subsequent physician members shall come from ~~[regions]~~ regional systems IV, III, and V respectively. The physician member ~~[position]~~ positions shall continue to rotate in this order. The physician ~~[member]~~ members shall be appointed to the corporation board by a simple majority vote of the members of the executive public health facility management advisory committee two-thirds majority vote of the corporation board from a list of qualified nominees submitted by the public health facility management advisory ~~[committee for the region from which the physician member is to be chosen,]~~ committees or by any regional system board. If for any reason a physician member is unable to serve a full term, the remainder of that term shall be filled by a physician from the same ~~[region,]~~ regional system.

The ~~[thirteenth]~~ fifteenth member shall be the director of health or the director’s designee, who shall serve as an ex officio, voting member.

Appointments to the corporation board, with the exception of the chairperson of the executive public health facility management advisory committee and the regional physician member, shall be made by the governor, subject to confirmation by the senate pursuant to section 26-34. ~~[Prior to the transfer date, the public health facility management advisory committees appointed pursuant to section 323-66 for each county may recommend names to the governor for each position on the corporation board designated for a region which corresponds to its county. After the transfer date, the public health facility management advisory committees appointed pursuant to section 323F-10 for each region may make such recommendations to the governor. The appointed board members shall serve for a term of four years; provided that upon the initial appointment of the first ten members:~~

- (1) ~~Two at-large members shall be appointed for a term of two years;~~  
 (2) ~~Three at-large members shall be appointed for a term of three years; and~~  
 (3) ~~Five regional members shall be appointed for a term of four years.]~~

The appointed board members shall serve for a term of four years; provided that the first member appointed from each regional system shall be appointed for a term of two years.

Any vacancy shall be filled in the same manner provided for the original appointments. The corporation board shall elect its own chair from among its members. Appointments to the corporation board shall be as representative as possible of the system's stakeholders as outlined in this subsection."

SECTION 6. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 20 at page 49, lines 14 and 17 by deleting the words "region's" and "region" and inserting "regional system's" and "regional system", respectively.

SECTION 7. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 23 as follows:

1. Page 53, line 3: By deleting the word "region" and inserting "regional system"

2. Page 53, lines 4 and 5: By inserting the word "system" after "regional".

3. Page 53, line 18: By deleting "regions" and inserting "regional systems".

4. Page 54, line 19: By deleting the phrase ", either directly or through" and adding "and" before the word "any".

5. Page 55, lines 7 and 12; page 56, line 9; page 57, line 20; page 58, line 8; and page 60, line 11: By deleting the word "region" and inserting "regional system".

6. Page 56, line 5: By adding the word "and" after "interest;".

7. Page 59, lines 11, 12, and 15: By deleting the word "regions" and inserting "regional systems"; and at line 10, by deleting the word "region's" and inserting "regional system's".

8. Page 58, line 18; page 59, lines 1 and 17; page 60, line 1; page 63, line 9; and page 74, lines 4 and 6: By adding the word "system" after "regional".

9. By amending section 323F-7 (a)(11), Hawaii Revised Statutes, to read as follows:

"(11) Suing and being sued; provided that only the corporation may sue or be sued; and provided further that the corporation and regional system boards shall enjoy the same sovereign immunity available to the State;"

10. Page 62, line 3; page 63, line 11; page 64, line 17; page 65, lines 6 and 22; page 66, lines 9, 11, and 12; page 67, line 14; page 68, line 4; page 70, line 9; page 71, line 12; page 72, line 7; and page 73, lines 13, 15, and 19; and page 74, line 3; page 76, line 19; page 80, lines 12 and 13; page 81, lines 15 and 16: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

11. Page 74, line 9: By deleting the word "and" and inserting "and 103D," following "41D;".

SECTION 8. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 30 as follows:

Page 84, line 21; page 86, lines 4, 10, 18, 19, and 21; and page 87, lines 2 and 8: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

SECTION 9. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 31 at page 88, line 17, by deleting the word "region" and inserting "regional system".

SECTION 10. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 35 as follows:

1. Page 91, lines 7, 13, 20; page 92, lines 4 and 7; and page 94, line 13: By deleting the word "region" or "regions" and inserting "regional system" or "regional systems", as the case may be.

2. Page 94, line 7: By inserting the phrase "is developed," prior to the word "the".

3. Page 94, line 10: By inserting the phrase ", as of April 1, 2007," prior to the word "and".

4. Page 94, line 14, by inserting the word "system" prior to the word "board".

SECTION 11. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 36 at page 95, line 2, by inserting "and before July 1, 2007," before the word "shall".

SECTION 12. Senate Bill No. 1792, S.D. 3, H.D. 3, C.D. 1 is amended by amending section 41 as follows:

"SECTION 41. This Act shall take effect on July 1, 2007; provided that[:

- (1) ~~Section 19 shall take effect on January 1, 2009;~~  
 (2) ~~Section 16 and section 323F-7(c)(30)(B), Hawaii Revised Statutes, shall be repealed on January 1, 2009, and the statutes amended in those sections shall be reinstated in the form they were in before the adoption of this Act; and~~  
 (3) The] the amendments made to section 323F-7(c)(15), Hawaii Revised Statutes, in section 23 of this Act shall not take effect if H.B. No. 1764 in any form passed by the legislature, regular session of 2007, becomes an Act.

Senator Ige moved that Floor Amendment No. 26 be adopted, seconded by Senator Baker.

Senator Ige rose in support of the floor amendment and stated:

"Madam President, these proposed amendments align the conference draft more along the lines of what was agreed to in Conference. There are a number of amendments made correcting the membership on the board of directors and which regions they represent, clarifying physician membership, and a series of technical amendments to correct errors in the conference draft."

The motion to adopt Floor Amendment No. 26 was put by the Chair and carried.

Senator Ige moved that Conf. Com. Rep. No. 197 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, S.B. No. 1792, S.D. 3, H.D. 3, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

There being no objections, the Senate took the following actions out of order from the sequence printed on the Order of the Day:

### ORDER OF THE DAY

#### FINAL READING

Conf. Com. Rep. No. 22 (S.B. No. 1803, S.D. 1, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 22 be adopted and S.B. No. 1803, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 27) to S.B. No. 1803, S.D. 1, H.D. 1, C.D. 1:

**SECTION 1. Senate Bill No. 1803, SD1, HD1, CD1, is amended by amending section 1 to read as follows:**

"SECTION 1. Section 431:2-201.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) All group health issuers shall offer all small group health plans to all small employers whose employees live, work, or reside in the group health issuer's service areas; provided that the commissioner may exempt a group health issuer if the commissioner determines that the group health issuer does not have the capacity to deliver services adequately to enrollees of additional groups given its obligation to existing employer groups[-]; and provided further that the commissioner shall exempt from this subsection group health plans offered to small employers that employ only one employee, if the group health issuer offers the small employer groups at least one small group health plan that meets the requirements of chapter 393, and upon the determination by the commissioner that the group health issuer has the capacity to adequately deliver services to enrollees of the additional groups, subject to its obligations to existing employer groups."

Senator Taniguchi moved that Floor Amendment No. 27 be adopted, seconded by Senator Hee.

Senator Taniguchi rose in support of the floor amendment and said:

"Madam President, we changed a 'may' to a 'shall' and made other technical amendments."

The motion to adopt Floor Amendment No. 27 was put by the Chair and carried.

Senator Taniguchi moved that Conf. Com. Rep. No. 22 be received and placed on file, seconded by Senator Hee and carried.

By unanimous consent, S.B. No. 1803, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 67 (H.B. No. 964, H.D. 1, S.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 67 be adopted and H.B. No. 964, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Ige then offered the following amendment (Floor Amendment No. 28) to H.B. No. 964, H.D. 1, S.D. 2, C.D. 1:

SECTION 1. House Bill No. 964, House Draft 1, Senate Draft 2, Conference Draft 1, is amended as follows:

1. By amending the definition of "substance abuse on-site screening test" in section 1 to read:

""Substance abuse on-site screening test" means a portable substance abuse test that meets the requirements of the United States Food and Drug Administration for commercial distribution ~~[and is approved by the director for such pre-employment screening;]~~ or is manufactured by a facility that is minimally certified as meeting the ISO 13485 standard established by the international organization for standardization and which may be used by an employer in the workplace."

2. By renumbering the second section 3 as 4, and section 4 as 5.

Senator Ige moved that Floor Amendment No. 28 be adopted, seconded by Senator Hee.

Senator Ige rose in support of the floor amendment and said:

"Madam President, this floor amendment just corrects the conference draft to what was agreed to in Conference. There was a drafting error and some language was deleted inadvertently from the conference draft that was decked."

The motion to adopt Floor Amendment No. 28 was put by the Chair and carried.

Senator Ige moved that Conf. Com. Rep. No. 67 be received and placed on file, seconded by Senator Hee and carried.

By unanimous consent, H.B. No. 964, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 96 (H.B. No. 928, H.D. 1, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 96 be adopted and H.B. No. 928, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Chun Oakland then offered the following amendment (Floor Amendment No. 29) to H.B. No. 928, H.D. 1, S.D. 2, C.D. 1:

**SECTION 1. House Bill No. 928, H.D. 1, S.D. 2, C.D. 1, is amended by amending section 4 to read as follows:**

"SECTION 4. 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.

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."

Senator Chun Oakland moved that Floor Amendment No. 29 be adopted, seconded by Senator Baker.

Senator Chun Oakland rose in support of the amendment as follows:

"Madam President, the floor amendment was done in response to a clarification from the Social Security Administration regarding allowable language. H.B. No. 928 was only meant to be the vehicle to increase the state supplemental payment. The legislative intent in this bill is clear about how the personal needs allowance is to be spent so that the sentence being deleted is not necessary. Thank you."

The motion to adopt Floor Amendment No. 29 was put by the Chair and carried.

Senator Chun Oakland moved that Conf. Com. Rep. No. 96 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, H.B. No. 928, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 100 (H.B. No. 1004, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 100 be adopted and H.B. No. 1004, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 30) to H.B. No. 1004, H.D. 2, S.D. 1, C.D. 1:

**SECTION 1. House Bill No. 1004, H.D. 2, S.D. 1, C.D. 1, is amended by amending section 6 to read as follows:**

"SECTION 6. There is appropriated out of the public utilities commission special fund the sum of \$30,000 for fiscal year 2007-2008 and the sum of \$30,000 for fiscal year 2008-2009 to be deposited into the compliance resolution fund."

**SECTION 2. House Bill No. 1004, H.D. 2, S.D. 1, C.D. 1, is amended by amending section 9 to read as follows:**

"SECTION 9. There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary for fiscal year 2007-2008 for research and support services necessary to protect Hawaii consumers by developing additional deterrents for identity theft, and in particular those related to the compromise of electronic data and information, and social security numbers in public records.

The sum appropriated shall be expended by the office of the auditor for the purposes of this part."

Senator Taniguchi moved that Floor Amendment No. 30 be adopted, seconded by Senator Baker.

Senator Taniguchi rose in support of the floor amendment and said:

"Madam President, the floor amendment would do two things: one, it would correct a misdescription of the special fund; and secondly, it would also appropriate monies out of the general revenues as opposed to the Compliance Resolution Fund."

The motion to adopt Floor Amendment No. 30 was put by the Chair and carried.

Senator Taniguchi moved that Conf. Com. Rep. No. 100 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, H.B. No. 1004, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER ADVOCACY," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

Conf. Com. Rep. No. 114 (S.B. No. 148, S.D. 2, H.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 114 be adopted and S.B. No. 148, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker then offered the following amendment (Floor Amendment No. 31) to S.B. No. 148, S.D. 2, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 148, S.D. 2, H.D. 1, C.D. 1 (RELATING TO INCOME TAX CREDIT), is amended by amending section 1 as follows:

"SECTION 1. The legislature finds that Article VII, section 6, of the Constitution of the State of Hawaii requires the legislature to provide a tax refund or tax credit when certain factors are met. The legislature finds that these factors have been met for the second year in a row and that the legislature is constitutionally required to provide a tax credit or tax refund to taxpayers.

The purpose of this Act is to provide for a one-time income tax credit to satisfy constitutionally mandated requirements."

SECTION 2. Senate Bill No. 148, S.D. 2, H.D. 1, C.D. 1 (RELATING TO INCOME TAX CREDIT), is amended by consolidating sections 2, 3, and 4 into section 2 with amendments to read as follows:

"SECTION 2. (a) There shall be allowed for each resident individual taxpayer for the taxable year 2007, a refundable one-time general income tax credit that shall be deducted from income tax liability computed under chapter 235, Hawaii Revised Statutes; provided that no refunds or payments on

account of the tax credits allowed by this section shall be made for amounts less than \$1.

(b) There shall be allowed to a husband and wife who file a joint return a one-time general income tax credit in accordance with the following table:

If the adjusted gross income is:	The credit shall be:
Under \$5,000	\$160
\$5,000 and over but under \$10,000	150
\$10,000 and over but under \$15,000	140
\$15,000 and over but under \$20,000	130
\$20,000 and over but under \$30,000	120
\$30,000 and over but under \$40,000	110
\$40,000 and over but under \$50,000	100
\$50,000 and over but under \$60,000	90
\$60,000 and over	0.

(c) There shall be allowed to every taxpayer filing a head of household tax return a one-time general income tax credit in accordance with the following table:

If the adjusted gross income is:	The credit shall be:
Under \$5,000	\$140
\$5,000 and over but under \$10,000	130
\$10,000 and over but under \$15,000	120
\$15,000 and over but under \$20,000	110
\$20,000 and over but under \$30,000	100
\$30,000 and over but under \$40,000	90
\$40,000 and over but under \$50,000	80
\$50,000 and over but under \$60,000	70
\$60,000 and over	0.

(d) There shall be allowed to every (1) unmarried individual (other than a surviving spouse, or the head of household) and (2) married individual filing a separate tax return a one-time general income tax credit in accordance with the following table:

If the adjusted gross income is:	The credit shall be:
Under \$5,000	\$65
\$5,000 and over but under \$10,000	55
\$10,000 and over but under \$15,000	45
\$15,000 and over but under \$20,000	35
\$20,000 and over but under \$30,000	25
\$30,000 and over	0.

SECTION 3. Senate Bill No. 148,S.D.2,H.D.1,C.D.1 (RELATING TO INCOME TAX CREDIT), is amended by renumbering section 5 as section 3 and amending it as follows:

“SECTION 3. (a) Each taxpayer that claims the one-time general income tax credit shall have been a resident of the state, as defined in section 235-1, Hawaii Revised Statutes, for at least nine months regardless of whether the resident was physically in the state for nine months.

(b) The one-time general income tax credit shall not be available to:

- (1) Any person who has been convicted of a felony and who has been committed to prison and has been physically confined for the full taxable year;
- (2) Any person who would otherwise be eligible to be claimed as a dependent but who has been committed to a youth correctional facility and has resided at the facility for the full taxable year; or
- (3) Any misdemeanor who has been committed to jail and has been physically confined for the full taxable year.

(c) The tax credit claimed by a resident taxpayer pursuant to this Act shall be deductible from the taxpayer’s individual income tax liability for the taxable year 2007. If the tax credit claimed by a resident taxpayer exceeds the amount of income tax payment due from the resident taxpayer, the excess of credits over payments due shall be refunded to the resident taxpayer; provided that a tax credit properly claimed by a resident individual who has no income tax liability shall be paid to the resident individual.

(d) All claims for tax credits under this Act, including any amended claims, shall be filed on or before the end of the twelfth month following the close of the taxable year for which

the credits may be claimed. Failure to comply with this filing requirement shall constitute a waiver of the right to claim the credit.

(e) A husband and wife who do not file a joint tax return, shall only be entitled to claim the one-time general income tax credit to the extent that they would have been entitled to the one-time general income tax credit had they filed a joint tax return.

(f) The tax refund paid to a resident taxpayer pursuant to this Act shall not be included in the resident taxpayer’s gross income.

(g) For the purpose this Act, “adjusted gross income” means adjusted gross income as defined by the Internal Revenue Code.”

SECTION 4. Senate Bill No. 148,S.D.2,H.D.1,C.D.1 (RELATING TO INCOME TAX CREDIT), is amended by adding a new section 4 to read:

“SECTION 4. This Act implements the provisions of article VII, section 6, of the Constitution of the State of Hawaii, enacted by the 1978 constitutional convention, which reads as follows:

**“DISPOSITION OF EXCESS REVENUES**

**Section 6.** Whenever the state general fund balance at the close of each of two successive fiscal years exceeds five percent of general fund revenues for each of the two fiscal years, the legislature in the next regular session shall provide for a tax refund or tax credit to the taxpayers of the State, as provided by law.””

SECTION 5. Senate Bill No. 148,S.D.2,H.D.1,C.D.1 (RELATING TO INCOME TAX CREDIT), is amended by renumbering section 6 as section 5.

Senator Baker moved that Floor Amendment No. 31 be adopted, seconded by Senator Tsutsui.

Senator Baker rose in support of the floor amendment and said:

“Madam President, members, this floor amendment clarifies that this is a refundable one-time credit to resident taxpayers only, and it made some other minor technical corrections.”

The motion to adopt Floor Amendment No. 31 was put by the Chair and carried.

Senator Baker moved that Conf. Com. Rep. No. 114 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, S.B. No. 148, S.D. 2, H.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INCOME TAX CREDIT,” was placed on the calendar for Final Reading on Thursday, May 3, 2007.

**FINAL READING**

Conf. Com. Rep. No. 93 (H.B. No. 500, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 93 be adopted and H.B. No. 500, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Baker rose in support of the measure and said:

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

“Madam President, colleagues, H.B. 500, C.D. 1, is the Executive Branch budget bill for the next fiscal biennium. It contains both the operating and capital improvement appropriations for fiscal years 2008 and 2009.



“Before I offer some brief remarks about the bill itself, I would again like to acknowledge some people who were instrumental in the development and crafting of this measure.

“First, I’d like to send a heartfelt mahalo to my talented and extremely hardworking staff at Ways and Means, as well as their counterparts in House Finance.

“Second, I’d like to personally thank all of my colleagues who serve diligently and with great faithfulness on the Ways and Means Committee – particularly my Committee Vice Chair, my colleague from Central Maui, who developed the CIP portion of the budget and provided valuable perspective on other matters before the Committee. I also want to acknowledge and again thank my predecessor, Senator Taniguchi, for his wise counsel during the entire, often grueling, process of re-shaping the Executive Branch’s budget, and to all of the Senate subject matter Committee Chairs for sharing their perspectives and priorities with the Ways and Means Committee. I’d also like to thank the two Minority members who served on the Committee who provided important input and support as we moved this measure through the process.

“Third, mahalo to House Finance Chair, Marcus Oshiro, for his good humor and thoughtful, cooperative approach to negotiating the differences between the House and Senate versions of the Executive Budget. He and Vice Chair Lee and their staff were a pleasure to work with.

“Finally, I’d like to thank you, Madam President, and the House Speaker for your patience and support throughout this Legislative Session. It’s been greatly and deeply appreciated.

“As previously noted, it is a truism that Hawai‘i has many legitimate, yet competing, interests vying for state resources. Your Conference Committee made the hard decisions necessary to craft a budget that reflects our shared goals, principles, and priorities, and invests in our state’s greatest resource – its people.

“The Executive Branch budget is the fundamental policy document of the State of Hawai‘i. Through this document, your Conference Committee has laid the groundwork for the creation of a sustainable Hawai‘i, with strong families and communities, a workforce prepared to compete in the global marketplace, and a healthy economy and environment.

“In crafting the Executive Branch budget, your Conference Committee was guided by four principles and priorities:

- (1) State budgetary policy should help strengthen our families and communities;
- (2) State budgetary policy should help sustain a healthy and diversified economy by, among other things but perhaps most importantly, supporting public education both higher and lower;
- (3) State budgetary policy should help shape a Hawai‘i that is a great place to visit because, first and foremost, it is a great place to live; and finally
- (4) State budgetary policy should promote a fiscally prudent, transparent and sustainable state government.

“Madam President, your Conference Committee’s conference draft of this budget carries out our shared goals, principles, and priorities. In support of strengthening our families and communities, your Conference Committee allocated approximately 28 percent of the new general fund

appropriations to health and human services, amounting to an additional \$124.2 million in FY08 and an additional \$138.4 million in FY09. And in support of sustaining a healthy and diversified economy through a properly educated workforce, your Committee allocated approximately 35 percent of the new general fund appropriations to lower education, amounting to an additional \$156.5 million in FY08 and an additional \$185.4 million in FY09, as well as an additional 13 percent (amounting to \$55.6 million) in FY08 and an additional 19 percent (amounting to \$99.6 million) in FY09 for higher education, taking care of some important infrastructure as well as programmatic needs.

“In total, with all sources of funding, the conference draft of the Executive budget appropriates \$10,370,709,982 in FY08 and \$10,539,570,447 in FY09 for all funds. For general funds, this budget appropriates \$5,185,780,822 in FY08 and \$5,273,531,614 in FY09. Compared with the budget submitted by the Governor in December 2006, as adjusted by the seven governor’s messages throughout this Legislative Session, this budget represents a decrease of \$4,707,738 in FY08 and another decrease of \$12,672,889 in FY09 in general fund appropriations.

“Madam President, your Conference Committee recognized that Hawaii’s economy is slowing, and inflation is eating up some of the State’s current growth in general fund revenues. This is reflected in the most recent forecast of the Council on Revenues in March when it decided to keep unchanged its December forecast of the general fund tax revenues for fiscal year 2007-2008 through fiscal year 2012-2013. Essentially, the forecast of the 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 substantial increases in revenue being forecast.

“Finally, Madam President, while in the middle of Conference, your Conference Committee was informed of the potential impacts of the Government Accounting and Standards Board’s Statement No. 45, which established standards for measuring and recognizing other post-employment benefits that primarily consist of retiree healthcare services. Because many government agencies cover healthcare costs on a pay-as-you-go basis, a large unfunded liability has developed, on the magnitude of \$11.1 billion dollars (which I would note is over twice as large as the State’s annual general fund budget!). Not addressing this liability will in the long run have a negative impact on the State’s bond rating. That’s why your Conference Committee was cautious in our approach to this budget and we have great concerns about this issue and have requested of the administration that all stakeholders – the Executive Branch, the Mayors of the Counties, State and County Legislators, the Judiciary, and others that have a stake in the health fund – come together to determine the best way to address this liability on a going forward basis next Session. Addressing this matter will certainly impact deliberations on the supplemental budget next year.

“On that fiscally prudent note, Madam President, I respectfully ask my colleagues to vote favorably on this measure. The conference draft of the Executive Budget, I believe, addresses the urgent infrastructure and service needs of our State and provides for the strengthening of our families and communities, thus positioning Hawai‘i for success in the global economy and the sustaining of Hawai‘i as a great place to not only visit, but a great place to live.

“Mahalo.”

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

“Madam President, I rise to speak in favor of H.B. No. 500, the State Budget.

“On behalf of Committee members from the Minority Party and the Minority Party, we, too, would like to add our accolades to the staff and the members of the Ways and Means Committee for their access and the information they provide us, but most importantly the free and open forum in which we discussed the issues. It was healthy. But nevertheless, we do have to disagree in some areas with the outcome of this budget.

“There are two points that I think would illustrate best our concerns with the direction we’re going. We heard at the beginning of the Session words about sustainability and sustaining this and sustaining that. Well, this budget, for lack of a better description, sustains the status quo that has been evident in state spending for well over two generations now – and that is to increase spending in certain areas with no accountability.

“I’d like to highlight two things that are important to us in the Minority Party that seemed to have been overlooked by the Majority Party. One is housing for the poor. The Governor had built a budget – and we all know that the executive branch proposes, and the legislative branch disposes – that would have allowed for \$244 million for housing to be spent in the Hawai‘i Housing Finance Development Corporation and Hawai‘i Public Housing Authority. This budget only allows for approximately \$90 million in spending for housing. So the rhetoric was hot and heavy at the beginning of Session about helping the housing problem, but this budget does not attain the levels the Governor had requested.

“More importantly and the question that’s often asked is, ‘Where does the money go?’ And your Republicans are concerned about that because we see the abyss in the public funding in education. We spend an incredible amount of more money with no accountability. By our calculations, this budget with CIP and operating funds is going to increase spending on education over \$300 million in the next fiscal years that this budget accounts for – \$355 million to be exact.

“What is particularly irksome is that we heard in 2004 that education was going to be reinvented and we would get better results. And the old mantra of ‘give us more money and we’ll do a better job’ has played over and over again in ensuing years. And since 2004, by our calculations, we have added approximately \$1 billion to public education funding. And what are the results? Well, the results are that the Department of Education still comes to us and says, ‘We’re sorry about not doing that great of a job; give us more money and we’ll do a better job.’

“I have to point out, it’s the little things that are particularly irksome to the public. Just in this morning’s paper it says the DOE is to increase its spending for opinion polls. That is part of the façade that the DOE spends taxpayer’s money to put up. The last one we saw was almost laughed off the front page of the *Honolulu Advertiser*, and that was that the teachers work 15½ hours a day. Of course opinion polls are oftentimes commissioned by the DOE to obfuscate the obvious and that is that they’re spending more money and we’re getting less education into the marketplace. Because of these concerns, the Governor had a budget put together that would have held everybody accountable.

“And later on when we talk about tax relief, the public does have to know that they are not getting meaningful tax relief because this budget swallowed up most of the money the Governor recommended for tax relief. She had a budget that was balanced and would have offered about \$346 million in real

tax relief for the poor. And the tax relief we will be getting as a result of this budget is paltry in comparison, and unfortunately, the Majority Party continues to tax the poor the highest. Tax credits just don’t cut it, especially for the poor on the beach who don’t even file tax returns.

“So, with these caveats, I will be voting in favor of the budget. It’s a necessary document. Unfortunately, it’s not all that we had hoped it would be and hopefully we can work in a bipartisan manner not to sustain the status quo, Madam President, but to work cooperatively with the executive branch of government in a bipartisan manner to start creating new formulas on how we collect and spend the taxpayers’ money so that we can get some accountability.

“Thank you, Madam President.”

Senator Trimble rose in opposition of the measure and said:

“Madam President, I rise in opposition to the state budget.

“Colleagues, as I said a year ago, I will repeat again today – It is during the good times that it is required, it is necessary that we save a portion of the good times for the bad times that are sure to follow. And during the last year, we have noticed the unfunded liability of the Employee Retirement System has showed a dramatic increase. It was announced a couple months ago that the unfunded liability for retirees’ health benefits now stands at \$11.1 billion. I am not suggesting that public employees do not deserve pay increases; they certainly do. The larger issue is the size of the government workforce.

“During hard times, it is almost impossible to reduce the size of the government workforce because we would be eliminating a position that is somebody’s cousin, somebody’s auntie, somebody’s child. It is only during the good times when unemployment is low that we should exercise our fiscal responsibility by reducing the size of the public workforce, and in doing that and reducing the cost of government to set aside a portion of the surplus, to be able to take care of the bad times that surely will follow.

“So in going forward, I hope by next year I will not have to stand and give the same speech, and I will be voting ‘no’ on the budget for the reasons I’ve just stated. Thank you.”

Senator Chun Oakland rose in support of the measure and said:

“Madam President, I stand in support of H.B. No. 500, C.D. 1.

“I would like to thank the Chair and Vice Chair of Ways and Means as well as Finance and the members that sit on both Committees, as well as the Legislature, the public who has weighed in significantly on this measure, as well as the executive branch.

“In the area of Department of Human Services, I wanted to highlight a few things. Generally, we have in this measure provided significant public resources to help families that are on temporary assistance to become self-sufficient. We have provided a significant amount of resources to help those that are in need of domestic violence shelters; child protection services; adult protection services; vocational rehabilitation for persons with disabilities; services for our young people; services in terms of early childhood; the personal needs allowance increase that has been significant this Session that will touch a number of people’s lives – thousands, literally; and significant amounts of money for healthcare for our citizens.

"I wanted to highlight, in particular, a priority that has been a top priority for both the Legislature and the executive branch, and the community in general – and that is in the area of housing. In terms of homeless services, I believe in the executive budget there was a request for about \$5 million or \$6.2 million to help with homeless services, whether it's outreach, shelters, etc. In this measure, we have included about \$17,604,423 worth of services in this area. We are very proud of this.

"In the area of public housing repair and maintenance, the request I believe from the executive branch was about \$40 million for repair and maintenance and another about \$10 million, I believe, for elevators. We fell a little bit short, but nevertheless comparably at \$34,585,000.

"In the area of rental housing, where we will be helping with the help of the private sector in building affordable rentals, we have put in this budget approximately \$15 million, and with another measure that we will be voting on later in the morning, S.B. No. 1917, we anticipate about an additional \$14 million for a total of \$29 million in rental housing moneys. That is actually something that the executive branch is very happy about and was supportive of. In addition, we will be including another \$25 million for Kukui Gardens which is a residential area that supports many of our low-income residents.

"So, in terms of the total dollar amount for housing and homeless type expenses, we have allocated in this budget \$111,181,771 just in the first year. And so, I do want to thank everyone for their support. I think it was a very collaborative effort and we look forward to being able to see the fruits of this as well other measures that we pass for the people of Hawai'i.

"Thank you, Madam President."

Senator Slom rose in opposition of the measure and said:

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

"It's a lot harder to oppose a budget, any budget, because the budget always is a mixture of good things and bad things. The problem is that we started the year with a sizeable surplus – one of the biggest surpluses we've ever had in our history. And we were under a mandate to return that money, or at least a sizeable and meaningful portion, to our citizens – and we didn't do that.

"We tell our citizens that their obligation is basically to support their government which in turn will then decide how to support other people and other activities. We urge restraint on the very taxpayers that created the surplus and that have to come up with the money to support our budgets, yet we in here do not use restraint.

"We can talk about this being a conservative budget, but in fact it is not. In terms of overall expenditures, we're talking about \$20 billion. Some of my colleagues have a difficult time in looking at line items because they stumble over the differences between millions and billions. And one of the reasons they do that is because this budget does not represent our money it represents the people's money and the people's revenues. And we continue to wonder why we have more homeless that we then say we have to take care of by increasing taxes and spending and revenues and fees.

"People ask us all the time what it is that we can do, or what it is that we are doing, and it all starts with the budget. If we can't have a fiscally responsible restrained budget to reflect the difficulties that our citizens are going through, then nothing else matters financially.

"The last speaker talked about a number of items which are important and which are necessary in terms of affordable housing and helping individuals. She added bills that were separate from this budget – separate and in addition to the \$20 billion in this budget. And in fact, if we added up all of the expenditures, the budgeted expenditures and the individual appropriation expenditures, we would find that we have had a tremendous increase, particularly if we looked at five years ago, 10 years ago, or 20 years ago. And other than unionized workers, I would submit that most of us have not seen compensation increases during that period of time in order to pay for these things.

"So yes, it is the responsibility of government to do a number of different things, but it's a responsibility to do them in a way that matches the income growth and revenue opportunities of the citizens who support the government.

"And in terms of prioritization, many of us have different ideas as to what the priorities should be. But I fear that we are getting farther and farther away from what the people actually tell us they want and what they need, and we're carving out niches for specific classes of people who we shower with subsidies, grants, and large operating balances.

"Several people have already talked about the unfunded liabilities for this state and for the people. These are liabilities not for Senators, not for the House of Representatives – they are liabilities for the taxpayers and for the keiki that we say that we're so concerned about.

"So reluctantly, Madam President, I will again cast a 'no' vote on this budget knowing that there are some good things within the document but knowing that we still have not as a Legislative Body decided that it is not our money that we are expending, it is not our choices and opportunities that we are voting on – it's others'. And until we come to grips with this, we're going to continue to have difficult times financially.

"We're talking about good times right now, but they're not good times for everyone; they're not good times for a lot of families; they're not good times for a lot of small businesses; they're not a good time for retirees. They are times of struggle because they are on fixed incomes or fixed budgets and everything that we do in here that has an impact on increasing cost will increase their cost and increase their liability and vulnerability as well.

"Thank you, Madam President."

Senator Sakamoto rose in support of the measure and said:

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

"I'm happy that the Ways and Means Chair has chosen to highlight education in at least explaining their many dollars in higher education and lower education. And in response to some of the previous speaker's comments, I believe that when we talk to the man and woman taxpayer on the street or man and woman or boy and girl on the street, they say, 'Fix our schools'; they say, 'Help our teachers teach'; they say, 'Help education.' So I believe comments are justified in how we are spending our dollars.

"In part, this budget includes funding business managers for our complex areas so the schools can account for their money better and allow the principals and teachers to spend more time on education. This budget includes \$100 million for school R&M including electrical upgrades. We have a backlog that, at least as of last year, was \$341 million and this budget and the work should help lower that again. We still have work to do.

For the University of Hawai'i System as well, R&M dollars. This budget expands the capability for higher education, including West Oahu.

"I believe many of these items, as well as many other items in bills and in the budget, we are spending the money to help our citizens, to help our people become better educated and do what they need to do to live a better life.

"So, I appreciate all of that and if we could include this in the Journal, I'd appreciate it."

The Chair having so ordered, Senator Sakamoto's Education Cube is identified as ATTACHMENT "A" to the Journal of this day.

Senator Espero rose in support of the measure and said:

"Madam President, just to expand on the comments of our former speaker, I'd like to thank the Ways and Means Committee for funding the growth and development in West Oahu. As we know, the effort for the city and county and the state is to direct growth and development, and with that comes the infrastructure needs in order to take care of our future.

"UH West Oahu has an appropriation for \$135 million in this budget. This is a project that has been a dream of many in West Oahu for decades. It is becoming a reality with this budget, and I thank colleagues in the House and in the Senate for taking care of this district.

"UH West Oahu will take care of three areas. It will provide economic opportunities, jobs for the region. It will help the traffic situation, which we know at times is unbearable in West Oahu. But most importantly, it will provide the missing link in West Oahu – the four-year institution which this region so desperately wants and desires, and we know that data and statistics show that the closer one lives to a university, the more likely those individuals are to attend that university.

"So, for the youth of the North Shore, Mililani, Waianae Coast, Kapolei, Makakilo, Ewa Beach, Waipahu, Pearl City, and all the others that will be attending this, we thank you on behalf of the community.

"Aloha."

Senator Hooser rose in support of the measure and said:

"Madam President, I rise in support of H.B. No. 500, S.D. 1. I'll keep my remarks brief.

"I'd like to add my compliments again to the Chair and the Vice Chair and the Committee on Ways and Means and their staff for the fine work that they've done. After looking at the budget closely, reading the committee report, and speaking to many people, I just have to applaud them. It's a very challenging job sorting out priorities because there are so many. And again, I think they've done a fine job balancing those priorities and deflecting, if you would, the myths, in my opinion, of this huge surplus.

"I think if anyone takes an honest look at the condition of our state, the condition of our budget, and looks at the infrastructure, the deferred maintenance, the years of cutbacks and neglect that have gone on because of the very tight budget times, they would agree and admit that these funds are needed to catch up on much of this in our public education system, our public schools. I'm really pleased to see that the money will be going to catch up on this – to invest in electricity upgrades,

allowing our schools to have much-needed air conditioning, the technology improvements that are needed.

"There are needs in the university, needs on our highways, our hospitals, our natural resources, affordable housing, but I'm most pleased to support the increase in education – the increase in rewarding teachers to go into disadvantaged areas and in the many, many other areas that have increased in public education spending. I, for one, prefer to call this a forward-thinking, progressive budget because we're looking forward – we're looking at investing in our future, whether it's West Oahu or investing in our schools.

"And where the Minority Leader and others might wish to cut education, or squeeze our public schools, or reduce the spending on education, I, for one, am not satisfied. I'm not satisfied with the status quo, not satisfied with cutting back, but feel strongly that we must invest in our schools and give them the support that they deserve.

"For that reason and many others, I'll be voting in support of this. Thank you."

Senator Hemmings rose in rebuttal and said:

"Madam President, I rise in rebuttal.

"The Minority is not advocating cutting spending in public education. What we are advocating is holding the system accountable. How can you justify a \$1 billion increase in overall spending in education since the Majority Party reinvented education and promised better results in 2004, and the results overwhelmingly remain static with no improved education results.

"We support the teachers, but we don't support the bloated bureaucracy that is consuming a large portion of the state budget in the DOE. We don't support the status quo. We don't support studies that misrepresent the facts regarding the state budget in relationship to public education. Forty percent of A-funds go into public education; 20 percent of all funds go into public education, and what results do we have year in and year out? With a promise to look to the future and all the rhetoric about the keiki, and let's take care of the kids, and let's improve education, what we get, year in and year out are excuses and failure. That's not my opinion. It's the opinion of every tested score system that is rendered in our public education system.

"Republicans support funding education adequately, and it is. \$2.7 billion for 179,000 kids? You've heard the numbers. I repeat them every year because we get the same results – let's give them more money, let's give them more money – we'll get better results. We do give them more money, and we don't get better results. We cannot deny those facts. Those are the numbers. They're in the budget – \$1 billion since we heard that campaign rhetoric of 2004 – reinventing education. We were supposed to give the superintendent the money and the authority to do things and we'd hold her accountable. Well, it's four years later, \$1 billion later, where are the results?

"Can anybody in the Majority Party answer? Show us the improvements. Show us the test scores. Show us how our keiki are getting educated. They're not. And all we get is requests for more money, more money. Republicans and the Minority want to spend money wisely, but we don't want to spend it on a bloated bureaucracy that is not producing results.

"I feel sorry for the teachers in the classrooms because they know what we know – that the majority of money is going into the bureaucracy and it's never seeing the light of day when it comes to the classroom. Teachers are actually having to reach

into their pockets to pay for some basic supplies. The money is there. The system is failing the teachers, the students, and the taxpayers of this state and the numbers speak louder than my words.

“Thank you, Madam President.”

Senator Sakamoto rose in rebuttal as follows:

“Madam President, in brief rebuttal.

“I’m not here to go on and on with lists. And yes, we’ve heard these comments before. One of the frustrations of our education system here in Hawai‘i and in Utah, and Connecticut, and Vermont is what some people have agreed to as ‘No Child Left Behind’ but has burdened our school system. We’ve passed resolutions on this Floor with lists of suggestions on how to improve that, and I’m not going to reiterate all of those.

“The sad condition of some of our classrooms or schools, it doesn’t take a brain surgeon or a scientist to figure out that if we can fix our classrooms that continue to deteriorate, that isn’t necessarily going to help educate a teacher or a child, but we need to have our schools safe and in proper order. There’re many things that need improvement and I believe we’re moving in the right direction. Suffice it as that, at this point.”

Senator Hooser rose in rebuttal and stated:

“Madam President, brief remarks in rebuttal.

“I take exception again with the Minority Leader constantly denigrating and putting down our public education system. The people that I know that go to public school, their families are proud graduates of public school. I myself graduated from Radford High School. In general, people are proud of their schools, and I don’t think it does the public school system any service whatsoever for members to stand up here and rip and shred and use false information also and talk about how bad the schools are.

“We can improve our schools, there’s no question about that. I think if you look at the test scores and you look at academic achievement, you’ll find the Hawai‘i State assessment that third grade has been improving, and that’s an important benchmark. Most of those categories have been improving. If you look at the Stanford Achievement Test, you’ll see that our students score – again, I’m looking at the third grade in particular – above the national average. And in most categories, they’re at the national average or above.

“Our schools, in many cases, do a fine job and they have tremendous challenges. We all know that half the students in our schools have special needs – either English as a second language, or Title I students, or have other learning disabilities. And again, we are making progress.

“The average budget increases are somewhere around 2 to 4 percent and if you look over the long term you’ll see that it just goes with inflation, very little above that. And for the Senate Minority Leader to say that he does not support cutting education, I find disingenuous when he stands up and says that he does not support increasing. In my mind, that is the same. We’re here prepared to increase spending and the Minority Leader is opposing that.

“Again, I urge my colleagues and the entire State of Hawai‘i to put our faith and confidence and energy and our money behind our public education system. Thank you, Madam President.”

Senator Slom rose in rebuttal and said:

“Madam President, I rise in brief rebuttal.

“I didn’t know we were going to get into a discussion on public education, but if we are, let’s make sure again, because apparently the Majority Leader doesn’t understand. Maybe we’ll have to read it to him. We are not opposed and have never been opposed to public education. What we’re opposed to is the wasteful use of the taxpayer’s money and not holding people accountable, not being able to see responsibility.

“When we talk about the ‘No Child Left Behind’ program, for example, let’s remember that the DOE left money on the table, money that was there for ‘No Child Left Behind’ – \$15 million at one swack, more than \$30 million overall that was left there.

“Let’s also talk about the problems that the public education system have had. They didn’t just occur within the last couple of years with ‘No Child Left Behind,’ which by the way was a bipartisan, Democrat/Republican proposal that passed the U.S. Congress, and Hawai‘i was one of states that sought to get out of that and exempt itself saying, in effect, ‘Our kids can’t handle it; our teachers can’t handle it; our schools can’t handle it.’ Republicans do not believe that. We’ve never believed that. That’s why we support the educational system; that’s why we support teachers.

“For somebody to stand up and say the information is false, that the statistics are false, is amazing to me. When we look at these statistics, and they haven’t changed over 30 years, the number of attending kids in public education at 179,000 is actually down from what it was 20 years ago, yet the money that we pump in for non-classroom use, for other kinds of activities has continued to increase tremendously.

“So, if you want to have a debate on the budget, and you want to have a debate on what we’ve gotten for our money’s worth, then you look at the actual amounts and the figures. You can talk about them being false. They are absolutely the same figures that come out from the U.S. Department of Education and the State Department of Education. We have done everything to placate the educational unions and not to take care of the classroom teachers or the real needs of the children here.

“So I find it really ironic that when we’re talking about failures, or we’re talking about criticism, the real criticism is the so-called reinvention of education here. After Act 51 was passed and we had all the bravado about all the things that the Legislature and the DOE were going to do together, we’ve seen year after year the DOE come back to the Legislature and try to get out of the very responsibilities that they wanted to take head on with Act 51.

“So if we want to talk about false things, let’s keep the record straight, and let’s talk honestly and don’t use the term that the Republicans don’t want to support public education. We do, but we want people to get their money’s worth and we want kids to be educated, not to be indoctrinated. We want to see that money is useful for producing better citizens with our community. We’re not seeing that and I would ask the Majority, if we’re not spending enough money and they want to spend more money which is not their money – it’s the taxpayers’ money – how much more money should we spend? \$3 billion, \$5 billion, \$10 billion? Should there be any limit whatsoever without any responsibility.

“Thank you, Madam President.”

Senator Chun Oakland rose in rebuttal and said:

“Madam President, I stand also in brief rebuttal to the previous speaker and would like the words of the Majority Leader inserted as my own.

“As a parent of public school children, I have seen great strides in terms of our educators, the children, and the parents working extremely hard, and I have seen very good results. In one of my children’s school alone, they have increased their reading scores significantly, despite the majority of children coming from low-income families with a lot of challenges.

“So, for the educators and the children and the parents that are continuing to work extremely hard to make sure our public school is excellent, I support this budget, and I support the efforts of the Legislature and the community.

“Thank you.”

Senator Tsutsui rose in support of the measure as follows:

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

“Madam President, many things have been said this morning about the many good things in this bill. I think if you read the committee report as well as the entire bill, you’ll see thousands of good things about H.B. No. 500.

“The comments have shifted away from the many good items in the bill and have focused on the Majority Party and their spending, spending, spending. I’d like to note for the record, however, that H.B. No. 500 in its House draft form, in the Senate draft form, as well as the conference draft has always remained below the executive’s request, both on the operating as well as the CIP side.

“So, for those reasons, I urge my colleagues to support the measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 93 was adopted and H.B. No. 500, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE BUDGET,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

**FINAL READING**

Conf. Com. Rep. No. 12 (S.B. No. 1008, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 12 was adopted and S.B. No. 1008, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANNUITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (S.B. No. 1675, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Hee and carried, Conf. Com. Rep. No. 14 was adopted and S.B. No. 1675, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AUTOMATED EXTERNAL DEFIBRILLATORS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (S.B. No. 1425, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 15 was adopted and S.B. No. 1425, S.D. 2, H.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (S.B. No. 870, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Espero and carried, Conf. Com. Rep. No. 16 was adopted and S.B. No. 870, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DESIGNATION OF A HAWAII ARCHAEOLOGICAL DATA SURVEY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (S.B. No. 866, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kim and carried, Conf. Com. Rep. No. 18 was adopted and S.B. No. 866, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TOURISM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19 (S.B. No. 1750, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 19 was adopted and S.B. No. 1750, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (S.B. No. 58, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Conf. Com. Rep. No. 20 was adopted and S.B. No. 58, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTISTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23 (S.B. No. 188, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 23 was adopted and S.B. No. 188, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (S.B. No. 1315, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 24 was adopted and S.B. No. 1315, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (S.B. No. 46, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 25 was adopted and S.B. No. 46, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26 (S.B. No. 987, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 26 was adopted and S.B. No. 987, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27 (S.B. No. 1943, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator English and carried, Conf. Com. Rep. No. 27 was adopted and S.B. No. 1943, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28 (S.B. No. 56, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 28 was adopted and S.B. No. 56, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JURY SERVICE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (S.B. No. 1400, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 32 was adopted and S.B. No. 1400, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 33 was adopted and S.B. No. 1161, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (S.B. No. 228, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 34 was adopted and S.B. No. 228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (S.B. No. 162, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Conf. Com. Rep. No. 36 was adopted and S.B. No. 162, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39 (S.B. No. 1182, S.D. 2, H.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 39 be adopted and S.B. No. 1182, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Baker rose and said:

"Madam President, may I request that remarks be inserted in the Journal for Conf. Com. Rep. No. 39."

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

"Madam President, I rise to speak in favor of this measure

"Its purpose is to provide financial relief for residents of certain residential care homes by increasing the monthly needs allowance of care home residents.

"The monthly needs allowance for residents of long-term care and community care home facilities in Hawai'i has not been increased since 1988, when it was set at \$30. The amount is far too low for these residents to procure the daily necessities essential to enjoy a minimally acceptable quality of life. This bill raises the monthly needs allowance from \$30 to \$50. The measure also requires that for individuals who are incapacitated, the operator of the residence or facility where the person resides to spend the needs allowance on behalf of the person and provide a written accounting of the spending.

"Madam President, this measure is long overdue and I urge all of my colleagues to join me in voting in favor of this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 1182, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEEDS ALLOWANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40 (S.B. No. 1222, S.D. 3, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 40 was adopted and S.B. No. 1222, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42 (S.B. No. 1929, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 42 was adopted and S.B. No. 1929, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44 (S.B. No. 17, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Hee and carried, Conf. Com. Rep. No. 44 was adopted and S.B. No. 17, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (S.B. No. 12, S.D. 2, H.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 45 be adopted and S.B. No. 12, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Baker rose and said:

"Madam President, may I request that remarks be inserted in the Journal for Conf. Com. Rep. No. 45."

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

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

"Madam President, colleagues, the U.S. spends more on health care than any other nation in the world. By making unfair and excessive health insurance rates illegal, this measure addresses the problem head on. By mandating rate filings this measure increases oversight in the health care industry. By establishing penalties for violating these regulations, we are creating a deterrent for illegal and unethical health insurance practices. If we want to fix our health care problems, we need to make high prices and unfair rates illegal.

"In 2002 the State Legislature approved such regulations on our healthcare system by passing act 74. However, because of a sunset provision in the act, the act was repealed in June of 2006. We need to pass this measure and reestablish these regulations.

"This is a good bill, this is a fair bill, and this is a bill we need to pass. Thank you"

Senator Ige rose and said:

"Madam President, I also have some comments that I'd like inserted into the Journal on Conf. Com. Rep. No. 45."

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

"Madam President, I rise in support of Senate Bill. 12, relating to health insurance rate regulation.

"The purpose of Senate Bill 12, Conference Draft 1, is to regulate the rates of health insurance offered by managed care plans. Hawai'i, although progressive in its requirement of employer prepaid group health plans, nevertheless faces a health care crisis, like the rest of the country.

"One meaningful step that this Legislature can take to address this crisis is to re-establish health insurance rate regulation for managed care plans. As members know, rate regulation was enacted by Act 74, Session Laws of Hawaii (2002), but was repealed by operation of a sunset provision on June 30, 2006.

"Unfortunately, the crisis that prompted the enactment of Act 74 in 2002 has not abated, and it is imperative that we re-establish the authority of the Insurance Commissioner to regulate health insurance premium rates charged by managed care plans. Because of the concentrated nature of Hawai'i's managed care plan insurance market, such rate oversight is necessary to ensure that rates are not excessive, inadequate, nor discriminatory.

"I would like to take this opportunity to clarify one matter. Managed care plans are health care or assisted living arrangements designed to coordinate patient care or control costs through utilization review, case management, or use of specific provider networks. Although the definition of "managed care plans" in Conference Draft 1 broadly refers to "health plans" as defined in Hawaii Revised Statutes article 431:10A, or chapter 432 or 432D, the legislative intent is that only managed care plans would be subject to regulation under Senate Bill 12, and not other types of health insurance that are not managed care plans.

"Rate regulation is only part of the solution to the State's health insurance crisis, and complex issues such as reimbursement rate and malpractice may need to be addressed in the future. However, this Body can take a meaningful step now by passing this measure.

"For the foregoing reasons, I urge Senators to support this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 45 was adopted and S.B. No. 12, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.



Conf. Com. Rep. No. 47 (S.B. No. 678, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Espero and carried, Conf. Com. Rep. No. 47 was adopted and S.B. No. 678, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50 (S.B. No. 1284, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 50 was adopted and S.B. No. 1284, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 52 (H.B. No. 1646, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 52 was adopted and H.B. No. 1646, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (H.B. No. 1628, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 53 was adopted and H.B. No. 1628, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII MACADAMIA NUT PRODUCT LABELING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (H.B. No. 349, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator English and carried, Conf. Com. Rep. No. 54 was adopted and H.B. No. 349, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY REGULATION OF COMMERCIAL BICYCLE TOURS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 55 (H.B. No. 714, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator English and carried, Conf. Com. Rep. No. 55 was adopted and H.B. No. 714, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57 (H.B. No. 1264, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 57 was adopted and H.B. No. 1264, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60 (H.B. No. 1612, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 60 was adopted and H.B. No. 1612, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 62 (H.B. No. 487, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 62 was adopted and H.B. No. 487, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64 (H.B. No. 375, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Hee and carried, Conf. Com. Rep. No. 64 was adopted and H.B. No. 375, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIANS' RIGHT OF WAY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65 (H.B. No. 1518, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Conf. Com. Rep. No. 65 was adopted and H.B. No. 1518, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80 (H.B. No. 402, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 80 was adopted and H.B. No. 402, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82 (H.B. No. 116, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 82 was adopted and H.B. No. 116, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO TELECOMMUNICATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (H.B. No. 1322, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 83 was adopted and H.B. No. 1322, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE LICENSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84 (H.B. No. 155, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 84 was adopted and H.B. No. 155, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97 (H.B. No. 1899, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 97 was adopted and H.B. No. 1899, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (S.B. No. 1515, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Baker and carried, Conf. Com. Rep. No. 112 was adopted and S.B. No. 1515, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115 (S.B. No. 1779, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 115 was adopted and S.B. No. 1779, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILDREN,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (S.B. No. 992, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Baker and carried, Conf. Com. Rep. No. 119 was adopted and S.B. No. 992, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” having been read

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

Ayes, 25. Noes, none.

#### FINAL READING

Conf. Com. Rep. No. 9 (S.B. No. 139, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 9 was adopted and S.B. No. 139, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIGARETTE TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 10 (S.B. No. 755, S.D. 1, H.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 10 be adopted and S.B. No. 755, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and said:

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

“I am in strong support of strengthening ethics laws. We talk about ethics laws – we don’t do it; we just talk about it. But we also talk about home rule, and this bill is a very good example that we’re very selective in talking about home rule because we’re telling the counties what they should do, what the makeup of their commissions should be and everything else. This should be left to the counties. If we really want ethics then it is ethical to allow individuals and individual governmental agencies to make these choices.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 10 was adopted and S.B. No. 755, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTY ETHICS COMMISSIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 11 (S.B. No. 618, H.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 11 be adopted and S.B. No. 618, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Sakamoto.

Senator Trimble rose to oppose the measure and said:

“Madam President, I stand in opposition.

“Colleagues, this confers high school diplomas by fiat. We just spent several minutes talking about how to improve the quality of education. I would suggest to you that passing a law to confer diplomas is not the way to do it. In fact, it demeans the value of the diploma for everyone in our society that spent time and effort to earn it.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 11 was adopted and S.B. No. 618, H.D. 1, C.D. 1,

entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 13 (S.B. No. 667, S.D. 3, H.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 13 be adopted and S.B. No. 667, S.D. 3, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Trimble rose in opposition to the measure as follows:

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

"Colleagues, what is so magical about July 1, 2007. I would posit that a better date would be July 1, 2008. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 13 was adopted and S.B. No. 667, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 17 (S.B. No. 1924, S.D. 2, H.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 17 be adopted and S.B. No. 1924, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Ihara rose and said:

"Madam President, please note my reservations on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 17 was adopted and S.B. No. 1924, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 29 (S.B. No. 1665, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 29 be adopted and S.B. No. 1665, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Whalen rose in opposition to the measure and said:

"Madam President, I rise in opposition.

"I apologize to the Judiciary Chair. I didn't catch this until, obviously, I was reading it for today. But, by inserting the language on page 5 that a person can 'recklessly' cause substantial bodily injury to an animal, we're creating a misdemeanor for someone driving down the road and hitting a dog or cat or something else. I know that's not the intention of this bill, but that's what it does with 'reckless' in there. So, for that reason, I'll vote 'no.'

Senator Hee rose in support of the measure and said:

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

"Madam President and colleagues, our pets are very important members of our families. When a helpless pet is hurt by an act of cruelty or neglect, the whole family is hurt and suffers tremendously.

"The FBI, criminologists, and other law enforcement officials have recognized and documented this tormented link between animal cruelty and human violence. In an in-depth analysis of some of the country's most famous serial killers, the evidence shows that their earliest acts of violence were targeted towards helpless and innocent animals. But this link is not just isolated with serial killers. This link is also found in the lives of perpetrators who commit more common forms of violence, such as child abuse, spouse abuse, and elder abuse.

"We are an island community. Many of us were born and raised here in Hawai'i. Yet we often regard animal cruelty as something that happens on the mainland and not here in our own neighborhood. I myself have witnessed atrocities of animal neglect and cruelty in my district in Kahaolu, like many of you who have witnessed similar atrocities in your districts.

"When someone is cruel or neglects a helpless animal, this begins a cycle of violence which often escalates towards humans – people like you, myself, our parents, or our children. Sadly, Hawai'i is one of only eight states that does not have felony level offenses for animal cruelty. S.B. No. 1665 creates felony-level penalties for serious acts of cruelty toward our pet animals.

"I urge you all to vote 'yes.' This bill is not just about creating a safer place for our pets; this bill is about creating a safer community for all of us. Thank you, Madam President."

Senator Whalen rose and said:

"Madam President, this goes to show you the damage of having preprinted speeches. What I said had nothing to do with what the Judiciary Chair talked about. I'm talking about the law that we currently have that he amended, or someone amended in the Conference Committee or some point along the line. That's a great speech. It has nothing to do with what I'm talking about.

"On the existing section, it was added in there under the reckless part, 'causes substantial bodily injury.' You hit an animal with your car, that's substantial. It's now going to be a misdemeanor. That's what I'm talking about. I'm not talking about the first section. I'm talking about the second section, and that should not be in there. It was added in this year and it doesn't belong there because that whole section is talking about torturing, overloading, beating, driving, tormenting. Substantial bodily injury doesn't belong in there.

"It shouldn't be a crime because some dog runs out on the road and you hit it."

Senator Hee rose in rebuttal and said:

"Madam President, just a brief rebuttal.

"My speech was not intended to respond to the previous speaker's concerns, and I will not apologize if he thought it did.

"Frankly, this bill has been worked on by all aspects of law enforcement. From our side of the aisle, we worked with former Prosecutor, Keith Kaneshiro, and we tried to craft a bill that met all standards, including the example that the previous speaker describes. On the other hand, if the previous speaker or

others assert or continue to believe that in fact the bill does not adequately address the situation, then I would encourage the previous speaker, who's a friend of mine, to work on the bill with me next year and see if we can make it even better.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 29 was adopted and S.B. No. 1665, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Whalen).

Conf. Com. Rep. No. 30 (S.B. No. 1833, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 30 was adopted and S.B. No. 1833, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 31 (S.B. No. 1004, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 31 was adopted and S.B. No. 1004, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 13. Noes, 12 (Bunda, Chun Oakland, Espero, Hemmings, Hooser, Inouye, Menor, Nishihara, Sakamoto, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 35 (S.B. No. 1603, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 35 was adopted and S.B. No. 1603, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (S.B. No. 1066, S.D. 2, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 43 be adopted and S.B. No. 1066, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Menor rose in support of the measure and said:

"Madam President, I rise to offer some brief remarks in support of this measure.

"Madam President, this bill is an important pro-environment bill to the extent that it will beef up our invasive species program. However, I'd like to point out for the edification, or bring to the attention of my colleagues, the fact that there is an ambiguity in the bill in that it does not specify which entity is

supposed to be contributing to the fund that will be utilized for the invasive species program. So in that regard, I just wanted to clarify that it is the intent of the Legislature that the fee is to be collected from the importer of any shipment that comes into Hawai'i.

"Thank you."

Senator Trimble rose in opposition to the measure and said:

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

"My opposition is very selective. It has to do with the funding mechanism. The funding mechanism is supposed to be \$1 per TEU, which stands for 20-foot equivalent unit, which refers to a container used in overseas or ocean transportation. Most containers used by Matson in the old days were 24 foot; Sea Land or Sea Train serving Puerto Rico, 35 foot; the standard that came later is 20 and 40.

"The problem is twofold. One, taxing containers, which this is, I believe is unconstitutional or at least in violation of federal law that relates to interstate commerce. Second, it applies to containers, either full or empty. Third, Harbors Division of the Department of Transportation is already collecting excess for cargo that arrives from international ports. They are collecting that fee because historically, foreign containers required inspection by not only Ag, but by Customs.

"The problem is not that the fee is not being collected now. It is just not getting to the Department of Agriculture. So, to the extent that Harbors Division is already collecting money, I think it is incumbent upon this Body to look at that money and see if that in itself shouldn't be transferred in all or in part to the Department of Agriculture.

"Finally, when we're looking at invasive species, it is not shipping containers alone – it is ships, it is airplanes, and it can be cargo that is not in containers. So, while the objective of this legislation is certainly worthwhile, the manner in which they seek to collect the money – the funding mechanism – is flawed. And for that reason, I'll vote against it."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 43 was adopted and S.B. No. 1066, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 56 (H.B. No. 71, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 56 be adopted and H.B. No. 71, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Trimble rose in opposition to the measure and said:

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

"Briefly, this is one of a series that we have seen over the last few years which seeks to increase certification for any number of different groups. My standard comment is, certification in itself does not ensure that there is also a corresponding increase in quality. It just ensures that the costs go up.

"Thank you."

Senator Baker rose in support of the measure and said:

“Madam President, I rise in support of this legislation.

“Colleagues, this is one of the professions or occupations for which there had been an auditor’s review and this is one of the ones that the auditor came back and said yes indeed, this is exactly what we ought to be doing. We need to have nurse aides certified because without the standards and without making sure that the individuals who are part of our care-giving community are up to standard, there can be potential harm.

“Nurse aides have been regulated and registered for a number of years, but there was a glitch that came about in our law as a result of some changes in some of DSH’s language. This measure reinstates it. The bill has been worked on by DCCA. It’s been worked on by the Department of Health, and Department of Human Services, as well as the nurse aide community, and their employers.

“This is a good bill. It’s a necessary bill and I ask all my colleagues to vote up.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 56 was adopted and H.B. No. 71, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NURSE AIDES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 59 (H.B. No. 1608, S.D. 3, C.D. 1):

On motion by Senator English, seconded by Senator Hee and carried, Conf. Com. Rep. No. 59 was adopted and H.B. No. 1608, S.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 61 (H.B. No. 1337, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 61 was adopted and H.B. No. 1337, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEATH CARE INDUSTRY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66 (H.B. No. 1830, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 66 be adopted and H.B. No. 1830, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose in opposition to the measure as follows:

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

“We’ve seen this bill before. Interestingly and euphemistically it’s called ‘Relating to Child Protection,’ but there is no child protection in this bill. It is a bill about abandonment and non-responsibility, and non-accountability. It’s a bill about granting immunity and special privileges to

people that decide to leave their babies at hospitals or police stations or other locations. It deleted a requirement that written information be provided on family medical history so as to endanger the baby even more.

“I don’t know how we can stand here and honestly say that this bill is for child protection. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 66 was adopted and H.B. No. 1830, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD PROTECTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 68 (H.B. No. 1503, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 68 was adopted and H.B. No. 1503, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 69 (H.B. No. 791, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 69 was adopted and H.B. No. 791, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GASOLINE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 70 (H.B. No. 1246, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 70 be adopted and H.B. No. 1246, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

Senator Trimble rose in opposition to the measure and said:

“Madam President, I rise in opposition.

“Colleagues, criminal property damage is already against the law. We don’t need to specifically talk about copper. And if it is good for copper, then it also should be good for aluminum. The same standards that we’re applying for scrap dealers if we’re really trying to stop illegal activity, should be consistent regardless of whether it’s copper or gold or aluminum.

“So instead of specifically identifying a metal that happens to be the ‘flavor of the month,’ or the ‘flavor of this year,’ because at the beginning of Session people wanted to draw public attention to the social costs that were being created by the stealing of copper. I’m glad they got the media attention, but it does not require that we need to pass this bill, because they’ve already gotten the media attention and it’s already against the law.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 1246, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO METAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 71 (H.B. No. 1130, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 71 was adopted and H.B. No. 1130, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 72 (H.B. No. 895, H.D. 2, S.D. 1, C.D. 1):

Senator Inouye moved that Conf. Com. Rep. No. 72 be adopted and H.B. No. 895, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator English.

Senator Trimble rose in opposition to the measure and said:

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

"The monthly storage fee, colleagues, amounts to \$635 a month. Shouldn't you consider this excessive? I encourage you to vote against this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 72 was adopted and H.B. No. 895, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 5 (Gabbard, Hemmings, Slom, Trimble, Whalen). Excused, 2 (Nishihara, Sakamoto).

Conf. Com. Rep. No. 73 (H.B. No. 14, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 73 was adopted and H.B. No. 14, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Nishihara, Sakamoto).

Conf. Com. Rep. No. 74 (H.B. No. 275, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 74 be adopted and H.B. No. 275, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose in opposition to the measure as follows:

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

"Boy, we've discussed this so many times in Committee and on this Senate Floor. The Legislative Auditor said there's no need for this bill. No one came forward to say that there was a need or that there was a problem for this bill. There's no expectation of any problems in the future for this bill. Yet, this bill is here. So one would ask what the motivations are of the

supporters of the bill, but we can save a lot of time and a lot of energy by concentrating our efforts on those areas which are clearly in need of legislative changes.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 74 was adopted and H.B. No. 275, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Fukunaga, Nishihara, Sakamoto).

Conf. Com. Rep. No. 77 (H.B. No. 30, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 77 was adopted and H.B. No. 30, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Gabbard, Hemmings, Slom, Trimble). Excused, 2 (Fukunaga, Nishihara).

Conf. Com. Rep. No. 79 (H.B. No. 1364, H.D. 2, S.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 79 be adopted and H.B. No. 1364, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and stated:

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

"Colleagues, on the surface, rents are expensive in Hawai'i; therefore, we solve the problem by helping those at the bottom of the scale with something called rent supplemental assistance, and we think we're doing good. Actually, all we're doing is raising the rent because landlords now find out that they can get more money for an apartment because the state has increased its rent supplemental program. Probably the clearest analogy I could give you is sort of like when you're at a parade and you're looking at the view passing below you. If you stand up, you get a better view, but when everybody stands up, the view is the same. That is what we do when we increase the rent supplement – we don't increase the supply of housing; we just make it more expensive. It is not helping those at the lower income level; it is helping the landlord.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 79 was adopted and H.B. No. 1364, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Trimble). Excused, 2 (Fukunaga, Nishihara).

Conf. Com. Rep. No. 81 (H.B. No. 250, H.D. 2, S.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 81 be adopted and H.B. No. 250, H.D. 2, S.D. 2, C.D. 1, having been

read throughout, pass Final Reading, seconded by Senator English.

Senator Trimble rose in opposition to the measure and said:

“Madam President, I am regretfully opposed to this measure.

“Colleagues, 90 percent of what we consume goes through our harbors system. I think it is incumbent upon us as a state to at least have the capacity in the Harbors Division of the Department of Transportation have the capacity to plan, design, and have sufficient staff so that they can control the destiny of our harbor system.

“For that reason, I’ll be voting against this measure. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 81 was adopted and H.B. No. 250, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 12:10 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:11 o’clock p.m.

Conf. Com. Rep. No. 85 (H.B. No. 483, H.D. 1, S.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 85 and H.B. No. 483, H.D. 1, S.D. 1, C.D. 1, was deferred to the end of the calendar.

Conf. Com. Rep. No. 86 (H.B. No. 34, S.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 86 be adopted and H.B. No. 34, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

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

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

“I share the concerns of those that are upset about what’s happened in Darfur which continues to happen today. But I don’t think by us micromanaging the ERS and telling them what they should invest in and what they shouldn’t invest in is going to help, particularly since the United Nations continues to fail so miserably in trying to really help people in need.

“What this bill would do, however, is to harm the people in Darfur even more because if it results in lack of investment, lack of opportunities, lack of employment, that’s going to hurt even more people within the area.

“So, it’s interesting that we sit here and we want to micromanage everything and we want to tell everybody what they should do and what they should not do, and yet the agencies that are set up to accomplish these things have failed and we continue to allow them to be funded. So, I urge a ‘no’ vote on this. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 86 was adopted and H.B. No. 34, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read

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

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

Conf. Com. Rep. No. 87 (H.B. No. 1005, H.D. 2, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 87 be adopted and H.B. No. 1005, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Trimble rose to speak in opposition and said:

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

“The language of the bill is too specific. Our function as Legislators should be to set policy and let the executive branch administer. It goes into too much detail. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 87 was adopted and H.B. No. 1005, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 88 (H.B. No. 162, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 88 was adopted and H.B. No. 162, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FINANCES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 104 (S.B. No. 1372, S.D. 1, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 104 be adopted and S.B. No. 1372, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Trimble rose in opposition to the measure and said:

“Madam President, I rise in opposition to S.B. No. 1372.

“Colleagues, it’s amazing. The private sector comes to us for SPRBs so they can lower their cost through the issuance of tax-free bonds. Here, we the state, for I don’t know what reason on earth, seek to go to the private sector trough to borrow money from them. What do we know that the private sector doesn’t know? It certainly isn’t going to lower the cost to government.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 104 was adopted and S.B. No. 1372, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF FINANCING AGREEMENTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 120 (S.B. No. 1060, S.D. 1, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 120 be adopted and S.B. No. 1060, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 120 was adopted and S.B. No. 1060, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 3 (Ige, Kim, Sakamoto). Noes, 5 (Gabbard, Hemmings, Slom, Trimble, Whalen). Excused, 1 (Baker).

Conf. Com. Rep. No. 127 (H.B. No. 506, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 506, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 12:16 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:13 o'clock p.m.

### FINAL READING

By unanimous consent, action on the following bills and conference committee reports was deferred to the end of the calendar:

S.B. No. 620, S.D. 1, H.D. 1;  
 Conf. Com. Rep. No. 21 and S.B. No. 1017, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 38 and S.B. No. 138, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 41 and S.B. No. 1191, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 48 and S.B. No. 149, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 58 and H.B. No. 1370, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 63 and H.B. No. 692, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 75 and H.B. No. 1372, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 76 and H.B. No. 1063, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 78 and H.B. No. 334, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 99 and H.B. No. 1614, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 106 and S.B. No. 1402, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 108 and S.B. No. 896, S.D. 1, H.D. 2, C.D. 1;

Conf. Com. Rep. No. 109 and S.B. No. 880, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 116 and S.B. No. 1916, S.D. 2, H.D. 3, C.D. 1;  
 Conf. Com. Rep. No. 117 and S.B. No. 1672, S.D. 2, H.D. 3, C.D. 1;  
 Conf. Com. Rep. No. 118 and S.B. No. 1676, S.D. 2, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 128 and H.B. No. 122, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 130 and H.B. No. 13, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 131 and H.B. No. 1630, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 133 and H.B. No. 598, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 37 and S.B. No. 1154, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 46 and S.B. No. 795, S.D. 2, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 49 and S.B. No. 837, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 89 and H.B. No. 1231, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 90 and H.B. No. 667, H.D. 1, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 91 and H.B. No. 835, H.D. 2, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 92 and H.B. No. 1605, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 94 and H.B. No. 1212, H.D. 2, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 95 and H.B. No. 1200, H.D. 1, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 98 and H.B. No. 869, H.D. 1, S.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 101 and S.B. No. 1853, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 102 and S.B. No. 1382, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 103 and S.B. No. 1388, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 105 and S.B. No. 990, S.D. 2, H.D. 3, C.D. 1;  
 Conf. Com. Rep. No. 107 and S.B. No. 1946, S.D. 2, H.D. 2, C.D. 1;  
 Conf. Com. Rep. No. 110 and S.B. No. 1228, S.D. 1, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 111 and S.B. No. 1026, S.D. 2, H.D. 3, C.D. 1;  
 Conf. Com. Rep. No. 113 and S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 126 and H.B. No. 436, H.D. 1, S.D. 1, C.D. 1;  
 Conf. Com. Rep. No. 129 and H.B. No. 718, S.D. 2, C.D. 1; and  
 Conf. Com. Rep. No. 132 and H.B. No. 15, H.D. 2, S.D. 2, C.D. 1.

### THIRD READING

By unanimous consent, action on the following bills and standing committee reports was deferred to the end of the calendar:

Stand. Com. Rep. No. 1440 and H.B. No. 429, H.D. 1;  
 Stand. Com. Rep. No. 1456 and H.B. No. 504;  
 Stand. Com. Rep. No. 1459 and H.B. No. 1907, H.D. 1;  
 Stand. Com. Rep. No. 1555 and H.B. No. 581, H.D. 1; and  
 H.B. No. 1307, H.D. 2.



**ADOPTION OF RESOLUTION****MATTER DEFERRED FROM  
FRIDAY, APRIL 27, 2007**

Stand. Com. Rep. No. 1960 (H.C.R. No. 162):

On motion by Senator Ige, seconded by Senator Gabbard and carried, the report of the Committee was adopted and H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CERTAIN ACTION CONCERNING THE CONDUCTING OF A TEST TO CONVERT H-POWER ASH TO REUSABLE MATERIAL," was adopted.

At 2:15 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:17 o'clock p.m.

**MISCELLANEOUS COMMUNICATION**

Misc. Com. No. 2, from the Honorable Colleen Hanabusa, President of the Senate, and the Honorable Calvin K.Y. Say, Speaker of the House of Representatives, dated April 28, 2007, transmitting a Legislative Communication amending the Joint 2007 Legislative Calendar to extend the Conference Committee deadlines from 12:00 midnight, April 27, 2007, to 12:00 noon, April 28, 2007, was read by the Clerk and was placed on file.

At 2:18 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:20 o'clock p.m.

**RECONSIDERATION OF ACTIONS TAKEN**

S.B. No. 323, S.D. 2 (H.D. 2):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 323, S.D. 2.

Senator Fukunaga moved that the Senate reconsider its action taken on April 12, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 323, S.D. 2, seconded by Senator Baker and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 323, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Fukunaga, Baker, Ige, Gabbard). Noes, none. Excused, none.

Senator Fukunaga moved that the Senate agree to the amendments proposed by the House to S.B. No. 323, S.D. 2, seconded by Senator Baker.

Senator Fukunaga noted:

"We were unable to proceed further in the Conference, and at this time, the remaining item in S.B. No. 323 is something the Senate can agree upon."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 323, S.D. 2, and S.B. No. 323, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY,"

was placed on the calendar for Final Reading on Thursday, May 3, 2007.

S.B. No. 798, S.D. 3 (H.D. 2):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 798, S.D. 3.

Senator Inouye moved that the Senate reconsider its action taken on April 12, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 798, S.D. 3, seconded by Senator Baker and carried.

Senator Inouye moved that the Senate agree to the amendments proposed by the House to S.B. No. 798, S.D. 3, seconded by Senator Baker.

Senator Inouye noted:

"With regards to S.B. No. 798, the House version had better clarity in the language that extends the lapse date of emergency disaster relief appropriations made by Act 118 for one year for victims of the October 15, 2006 earthquake."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 798, S.D. 3, and S.B. No. 798, S.D. 3, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," was placed on the calendar for Final Reading on Thursday, May 3, 2007.

**MOTIONS TO OVERRIDE VETOES**

S.B. No. 14, S.D. 1, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Sakamoto moved that the Senate override the veto of S.B. No. 14, S.D. 1, H.D. 1, as contained in Gov. Msg. No. 768, seconded by Senator Tokuda.

Senator Sakamoto rose in support of the override and said:

"Madam President, a few years back, this Body had proposed a constitutional amendment and a composition of a candidate advisory committee which was composed of seven members that would suggest names to the Governor for her selection. I'm not going to go over all the details at this point, but at that point in time, the Governor vetoed the first composition and said it was premature. Subsequently, as we all know, the people voted and the people voted for a change – the change meaning not having the Governor select just out of whatever mechanism governors select from, but the people voted for a candidate advisory committee.

"We then proposed a measure that permitted the candidate advisory committee of seven people – one appointed by the Governor, one by the Senate President, one by the Speaker of the House, one representing the emeritus regents, one representing alumni, one from the student caucuses, one from the faculty senate. The last two, the student and faculty, they couldn't appoint someone who had been their member for the last five years. This was to address concerns raised of perhaps too close to the fire and to have people further out and not be politically motivated.

"In the process, we have always asked, 'Are there better suggestions? How can we improve the measure?' In essence, the Governor's suggestion was – let the Governor pick the committee; let the Governor choose the chair. I think in most

people's minds it would have been, 'That doesn't make sense because that's the current practice.' Another proposal was to have the Governor appoint three people; the Senate President, two; and the Speaker of the House, two. In most people's minds, and I believe in the public minds, that would have been, 'that sounds very political.'

"More recently, the newspapers have placed the people in the candidate advisory committee before us, in their editorials, and one of the papers at least saying, 'Why should the Senate President have a pick and why should the Speaker of the House have a pick? That's political.' But, I believe that is less political than three by the governor, two by the Senate President, two by the House. And at this point, these seven members would suggest, well ideally, screen, solicit, and suggest candidates to prepare a list for the Governor. And in no case does it predict or even determine that any member of the board of regents would be from any of these constituent groups – as the main objection, at least as far as I understand it, is fear that constituent groups would have a seat or a designated spot on the regents. And that is far from what our current proposal does.

"People suggest perhaps the public didn't understand what they were voting on but the current chair of the board of regents had debated and been on public radio, public TV – public not meaning necessarily the public station, but out in the public – out in the media, addressing the proposal that we had before us. And that was prior to the vote, so I believe the people clearly understood what they want. The people wanted the composition changed to allow this candidate advisory council.

"So I ask my members to let's do what the public said, and after years, this proposal I believe is a good proposal. It's been adjusted to address the concerns that were brought forward to the degree we could. Madam President, I ask for a Roll Call vote at the appropriate time.

"Thank you."

Senator Slom rose in opposition to the override as follows:

"Madam President, I rise in support of sustaining the Governor's veto.

"It is a fiction to say that this new alignment depoliticizes the process of selecting boards of regents. It is true, however, that it takes away from the executive responsibility so that we can't point the finger and say, 'This is the person that really is accountable and responsible for these decisions.'

"I don't question the public's support of the constitutional amendment. I don't think that they were misled or misunderstood. However, it was the details that were not disclosed, and I think that's the crux of the problem. It's not a question of having an advisory council; it's having this kind of narrowly based, narrowly focused advisory council. It's also in some of the other details that the previous speaker neglected to mention. Number one, this council can advise the Governor on as few as two choices, and only two choices to be considered, thus narrowing the field of many competent and qualified and experienced individuals to serve on the board of regents. Also not mentioned by the previous speaker is the fact that three of the nation's leading accreditation organizations – specifically, the Association of Governing Boards of Universities and Colleges (AGB), the Western Association of Schools and Colleges (WASC), and the Accrediting Commission of Community and Junior Colleges (ACCJC) – all expressed serious concerns not with the idea of having an advisory council, but with having the kind of advisory council that is set up in this bill. They said that it runs counter to any other state

and to national policy when looking at the free and independent administration of a university.

"Also neglected by the previous speaker was the fact that the President of the University of Hawai'i very specifically and adamantly urged us not to pass this kind of legislation. We are celebrating the 100<sup>th</sup> year of my alma mater and we say that we want independence and growth and autonomy for the University of Hawai'i, and yet when an issue comes about and they tell us exactly what they feel about it, we turn our backs and we ignore them. One would think that they would know better, certainly better than us sitting here and pontificating, and that they know about the administration of the university.

"The Governor had sent down pieces of legislation which did provide for a broad, community-wide, inclusive council that would have increased the number of people that would have been in the selection pool, but that was rejected by this Body.

"Also, and finally, the previous speaker neglected to mention that in this bill, we exempt the council from Chapter 92F, the sunshine provision. Here we are talking continuously about transparency and the public's right-to-know, and we have an obligation to know, not behind closed doors but full out in the open, the discussion and the individuals that are being considered. And yet, in this instance we say, 'It's okay to go behind closed doors and not to let the public know until after the decision has been made.' Thus, disallowing any input either from the university or from the public at-large.

"Madam President, I think that we all want to see the best state university that we can have. We want to see the best, most qualified, most dedicated regents that we can have. We certainly want to have as much community input as we can have, but ultimately, there has to be decision and decision responsibility, and that should fall on the executive branch as it always has, and as it does in nearly all of the other states.

"So, for this and other reasons, I urge my colleagues to take a look at this, and if you're really concerned about our university, and if you're concerned about the statements that our university has made, and if you take into consideration what national organizations responsible for the accreditation of our university have said, then you will not vote today to override the Governor's veto.

"Thank you, Madam President."

At 2:34 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:34 o'clock p.m.

At this time, the President made the following observation:

"Members, a 'yes' vote is to override the Governor's veto. A 'no' vote is to sustain the veto. The motion before you is to move to override."

Senator Inouye rose in opposition and said:

"Madam President, I have comments I wish to be entered into the Journal, and I rise to speak against the veto of S.B. No. 14. Thank you."

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

"Madam President, I rise in opposition to S.B. No. 14.

"I am very troubled that the candidate advisory council will be exempt from Chapter 92, which relates to the Sunshine Law. I also believe that the process is too broad and that perhaps the Governor, Senate President, and Speaker should be sufficient to select Council members."

At 2:35 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:36 o'clock p.m.

The Chair made the following announcement:

"Members, again, a 'yes' vote is to support the motion, which is to override. A 'no' vote is to sustain the veto. A Roll Call vote has been requested."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 14, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 17. Ayes with Reservations, 1 (Gabbard). Noes, 7 (Bunda, Espero, Hemmings, Inouye, Menor, Slom, Trimble). Excused, 1 (Whalen).

At 2:38 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:40 o'clock p.m.

S.B. No. 1063, S.D. 1, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hee moved that the Senate override the veto of S.B. No. 1063, S.D. 1, H.D. 1, as contained in Gov. Msg. No. 794, seconded by Senator Kokubun.

Senator Hee rose in support of the override and said:

"This bill remedies the problem that the Legislature and the State of Hawai'i was faced with previously when the Governor appointed Bev Harbin to the House of Representatives. It has been said over and over again that Ms. Harbin did not become a member of the Democratic Party until three days prior to her appointment.

"This bill requires the governor, in filling vacancies in the State Senate, the House, the U.S. Senate, to select from a list of three prospective appointees nominated by the political party of the prior incumbent. It requires prospective appointees to be members of the nominating political parties at the time of submission of their names to the governor. Effective on approval, it requires prospective appointees to be residents of the same electoral district as the prior incumbent at the time of the appointment.

"I urge my colleagues to vote to override the veto. Thank you."

Senator Trimble rose to speak against the override and said:

"Madam President, I rise to speak not to override the Governor's veto.

"Politics, politics, politics. You know, most of the people have had too much of politics, and that's what this is all about. I think if you ask the people out there, when the Legislature's in session they want the best representation they can get. And that

really isn't politics. Politics is important when the individuals in that party are running for the election. They try and distinguish between what is on the right, which is where Sam is, and on the left, which is where you guys are. But, after the election is over, after the people have cast their vote, they want to be represented by the person that will do the best job for them. And part of that means talking to you guys. Part of that means trying to figure out what will bring society together.

"So, what we want is we want a governor that has the best interest of the people in mind. The people that belong to the Democratic Party that have a card in the Democratic Party is not more than seven or eight percent of our population. The same is true with the Republicans. Most people out there that vote are independent, and they want somebody to represent them that looks like them, that understands their problems, and that is the person the governor should appoint – somebody that understands their problems and will represent them, irregardless of political party.

"So, when you think about voting on this bill, I want you to think about what is the vote that would represent the people. It's not about politics, politics, politics. Thank you.

"Madam President, could we have a Roll Call vote?"

Senator Hee rose and said:

"I couldn't agree more with the previous speaker, because the fact of the matter is, if the people had wanted the best person to represent them in the district, it would not have been Bev Harbin. The fact of the matter is, the Governor, when she found out about Bev Harbin, asked Bev Harbin herself to step down. So, I suppose one could draw from that conclusion, at least in that example, clearly she wished she didn't make the mistake that she had made.

"If it is in the best interest of the people in mind, then clearly the people have spoken following the election. Bev Harbin, who ran for reelection, didn't win. I would urge my colleagues to override the Governor's veto and to prevent a mistake like that from happening again.

"Thank you."

Senator Ihara rose in support of the override and said:

"Madam President, I rise in support of the motion to override.

"Madam President, I am in support of overriding the Governor's veto on this bill. I believe S.B. No. 1063 is needed to establish a fundamental principle for filling legislative vacancies. S.B. No. 1063 supports the principle that the political party of a vacating legislator should have significant input in the filling of legislative vacant seats. This principle would apply to all political parties – Republican, Democrat, and other parties. I believe this principle for filling legislative vacancies is needed in order to limit possible abuses, actual or perceived, by either party's governor.

"This measure would eliminate the possibility of a legislative replacement being a party member in name only, as some have suggested was the case with the seat vacated by Representative Hiraki in 2004. This measure would also significantly reduce the possibility of a governor appointing a replacement legislator who later switches parties, as was done twice before. Republican legislators appointed by Democratic governors in 1986 to fill Republican seats vacated by Senator Soares and Representative Ikeda, switched parties. These party switches

allowed Democrats to gain control of former Republican seats in the House and Senate.

“This bill will reduce political mischief in filling legislative vacancies, and for this reason, I urge a ‘yes’ vote to override the veto in S.B. No. 1063. Thank you, Madam President.”

Senator Trimble rose in rebuttal and said:

“Madam President, I rise in brief, very brief rebuttal.

“I appreciate the remarks of the previous speaker because they highlighted the core of the problem – and that is politics, politics, politics. The abuses cited were with previous governors, not the present one. So, by all means, keep this bill alive. Keep it in your hip pocket and when the people decide to elect a Democrat governor, bring it out and pass it then.

“Thank you.”

The President announced:

“Again, members, an ‘aye’ vote is a vote to override the veto, a ‘no’ is to sustain.”

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 1063, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

S.B. No. 1642, S.D. 1, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hee moved that the Senate override the veto of S.B. No. 1642, S.D. 1, H.D. 1, as contained in Gov. Msg. No. 793, seconded by Senator Kokubun.

Senator Hee rose to speak in support of the override and said:

“Madam President, it is appropriate that on International Workers’ Day I stand in support of the override of the Governor’s veto of S.B. No. 1642.

“S.B. No. 1642 represents the essence of collective bargaining. Collective bargaining is premised on labor-management harmony which is achieved through joint decision-making. The Supreme Court had stated it as follows, quote: ‘For if Section 89-9(a) were considered disjunctively, on the one hand, all matters affecting the terms and conditions of employment would be referred to the bargaining table, regardless of employer rights. On the other hand, Section 89-9(d), viewed in isolation, would preclude nearly every matter affecting terms and conditions of employment from the scope of bargaining.’ In order to effect the intent of Chapter 89, there needs to be a clear communication of the rights of the parties to negotiate.

“The case of *Hannemann v UPW* resulted with an imbalance in the collective bargaining. S.B. No. 1642 addresses that imbalance. Under *Hannemann v UPW*, the Hawai‘i Supreme Court ruled that there is no requirement for the City and County of Honolulu to negotiate the effects of a unilateral transfer of employees from Pearl City to Downtown Honolulu. The troubling nature of the decision was the fact that the Supreme Court relied not upon whether or not the parties had actually negotiated the transfer, but on the language of Chapter 89-9(d).

Over the course of collective bargaining, the state and counties have negotiated these rights listed in 89-9(d) with the unions and received concessions as a result of these negotiations. With the ruling of the Hawai‘i Supreme Court, all of the negotiations, more importantly, concessions, which may have been given by the workers, are now gone.

“S.B. No. 1642 merely does the following: It says that provisions of 89-9(d), also known as management rights, shall not be used to invalidate any provisions of the collective bargaining agreements in existence after June 30, 2007. This is fair because the parties have negotiated and have given concessions, neither directions, in order to come up with the managing document, which is the collective bargaining agreement.

“The next provision of S.B. No. 1642 states that it shall not preclude negotiations over the procedures and criteria on permissive subjects of bargaining. The, quote, ‘shall not preclude,’ end quote, addresses the essence of *Hannemann v UPW*. The language used in this section speaks to procedure. In footnote 13 of *Hannemann v UPW*, the Hawai‘i Supreme Court recognized that in fact the parties could negotiate over procedures governing the promotion and transfer of employees. What this amendment does is it codifies footnote 13.

“What is the difference between permissive versus mandatory? Very simple – permissive subjects of bargaining requires two parties in order to even begin the discussion. A prohibitive practice charge or unfair labor practice charge is not appropriate as to permissive subjects of bargaining. This is because the subject matter of the discussion is not mandatory, but merely permissive.

“Finally, the last provision relates to arbitration. If there is any violation of the contract negotiated, it would be arbitrated – and that is, of course, understood. For example, if you believe that management has violated the provision of an existing collective bargaining agreement, you should arbitrate it.

“The concern that somehow this law affects the transfer and the rights to designate in the case of emergency is absolutely false. The parties have negotiated many of those types of situations in the collective bargaining agreement and it has worked until today.

“So, why is it now that the City and County of Honolulu, in particular, finds it imperative to say that the change in law, which merely codifies what has happened in the past, is something that will prohibit public safety? That is completely disingenuous and without basis.

“So, in the interest of preserving one of the most important aspects of labor-management relations, it is the right to bargain over permissive subjects and to preserve that which you have made concessions for to date, that have not been challenged by management. Therefore, colleagues, the veto of S.B. No. 1642 must be overridden.

“Thank you, Madam President.”

Senator Slom rose in opposition to the override and said:

“Madam President, I rise in opposition to overriding the Governor’s veto of S.B. No. 1642.

“First of all, let me say that I’m very proud and honored to have a very personal letter sent to me from Russell Okata of the HGEA, thanking me for my support of HGEA during the Session. I also received, as all of my colleagues did, this green sheet that basically says that the Chief of Police of the City and

County of Honolulu, Chief of Police of the County of Maui, the Chief of Police of the County of Hawai'i, the Chief of Police of the County of Kauai, the Mayors of all four counties, law enforcement personnel and emergency responders are liars and telling falsehoods – that they don't know what they're talking about when they say that this bill, if allowed to stand, will interfere with management's rights to protect the public safety, county by county, throughout the State of Hawai'i.

"Now, let's see; let's get this straight. Um . . . so far this Session, this Senate has disregarded the wishes, very specific and very clear, of Native Hawaiian groups; we've disregarded the wishes and very specific points of environmentalist groups; we have disregarded the wishes of the general public and voters; today, a few minutes ago, we just disregarded the wishes of the University of Hawai'i President, administration, and national accreditation organizations; and now we want to disregard the wishes and the advice and the expertise and the background of the chiefs of police, the mayors of the four counties, and the first responders.

"We're saying that there's one group and one organization that knows better than all of them – that's the HGEA. Well, Madam President, I guess here are my keys to my office and to the Chamber. I guess we might as well just give them to the HGEA. Oh, wait a minute! They've already got them. So, I'll just hold on to my keys. We don't need to do that. That's what this is all about. Who is going to determine public safety? Those who have been elected and appointed to do so, or those who want to interfere with the management's rights and responsibilities to do that?

"We're told this is just a protection of contractual rights. We're told that this is a permissive bill. This is not a permissive bill. Nothing could be farther from the truth, and the supporters know it. The only permission here is if the union – if the union – agrees to any changes made. Otherwise, what the law has said is if there is anything in any collective bargaining agreement and we go to renegotiation or new negotiation, any part that was in any previous active collective bargaining agreement stays unless the union gives permission to remove it. So in other words, they keep everything that they've ever had and then they move into additional rights. And as the previous speaker said, if we don't like that, we can go to arbitration, but the arbitration processes hold this very same thing – that if there was something in a previous collective bargaining agreement, you cannot put that on the table to talk about it or discuss it. So, the only permissiveness here is one-sided and it is labor.

"Now, if you believe that there is really no purpose for management, if you sincerely believe that the police and the fire and the mayors and the first emergency responders are telling you falsehoods or that they don't know what they're talking about, and only the HGEA knows what they're talking about, then you will override this veto. But, if you are concerned about the public safety in this state, and if you are, at the least, in belief of what these people have said . . . it's unprecedented, we had all of the police chiefs down here – they don't lobby; they need time to protect us, but they thought it was important enough, and they thought it was clear enough what damage would be done here.

"So, you've got an opportunity not to override this veto, because if you do, you will be doing more than just giving a favor to a union. You are taking away the very important managerial rights that are so necessary in terms of public safety emergencies or disasters, which we have spent a lot of time talking about and appropriating funds for. We would not only blur the lines of distinction between labor and management – we will erase those lines. And it will only be labor – organized labor – that will determine where they want to go, when they

want to do it, where they want to work, how they want to work, what they do. And if that's the case, we don't need the chiefs of police, we don't need the chiefs of fire, we don't need the first responders. But would you really do this? There is no other way to read this bill. You can say anything you want about it, but there is no other way, knowing labor law in the State of Hawai'i. This is not permissive on both sides. It is permissive on one side and one side only.

"I urge you to think about what you're doing before you vote to override, because you're not hurting the Governor, you're not taking power away from the Governor. You are disrespecting our law enforcement personnel and the home rule of each of the counties.

"Thank you, Madam President. I request a Roll Call vote."

The President made the following observation:

"Again, members, a 'yes' vote is to override the veto. A 'no' is to sustain it."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 1642, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 4 (Bunda, Kim, Nishihara, Sakamoto). Noes, 4 (Gabbard, Hemmings, Slom, Trimble). Excused, 1 (Whalen).

S.B. No. 1816, S.D. 1, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Kokubun moved that the Senate override the veto of S.B. No. 1816, S.D. 1, H.D. 1, as contained in Gov. Msg. No. 803, seconded by Senator Tokuda.

Senator Kokubun rose to support the override and said:

"Madam President, the objections that are raised to this bill actually point out, I guess, one of the disconnects here. This bill, in my mind, recognizes the importance of Native Hawaiian cultural protocol. The kahuna nui for Mo'okini Heiau has been included in the language that deeded the land from Castle and Cooke to the state. This has long been – many, many generations – the responsibility of a certain family to look after Mo'okini Heiau and, in fact, the other sites in the Kohala Historic Sites State Monument. I think it's important that we recognize that and the fact that Auntie Momi Lum has been doing a good job as reflected in the fact that it continues to be a point of education for our young people in teaching the cultural values of this very, very important monument and site in North Kohala.

"So, I think the fact that this was unique – the language with respect to the kahuna nui of the Mo'okini Heiau as found in the deed – sets it apart, and certainly state law can recognize Native Hawaiian cultural protocol.

"Thank you, Madam President."

Senator Slom rose in opposition to the override as follows:

"Madam President, I rise in opposition to the override of this veto.

"I supported this bill in our Committee, and I thought that the concept and the intent of the bill was a good one. I don't

quarrel with that, and I still don't. What I've had to wrestle with since, and why I support the Governor's veto is, if we were truly trying to seek historic preservation, then in fact we would not pass legislation that benefits one individual and gives subsidy and grants-in-aid to one individual with not even looking at additional individuals, organizations, and even the Office of Hawaiian Affairs. Instead, this is very special legislation, and as good as one individual may be, testimony has shown and the discussion has proven that if we're going to talk about historic preservation, then it should be about the preservation and not about preserving someone's individual grant-in-aid.

"Thank you, Madam President."

The President announced:

"Again, members, 'aye' is to override the veto, 'no' is to sustain."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 1816, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Gabbard, Hemmings, Sлом, Trimble). Excused, 1 (Whalen).

S.B. No. 1956:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hee moved that the Senate override the veto of S.B. No. 1956, as contained in Gov. Msg. No. 787, seconded by Senator Kokubun.

Senator Hee rose in support of the override and said:

"Well, really quick, Madam President, the bill is self-explanatory. It changes the electoral vote to national popular vote, or in other words, had this been during the last presidential election, the President would have been Al Gore and not George Bush. That's as simple as I can make it.

"Thank you, Madam President."

Senator Hemmings rose in opposition and stated:

"Madam President, I rise to speak against the motion to override the Governor's veto of S.B. No. 1956.

"I suggest that since you're so concerned about the last election, that the Majority Party really analyze what this bill does, because it would have far-reaching consequences way beyond the last election. Abolishing the electoral college or reducing it to irrelevance by doing an end run around the U.S. Constitution to an interstate compact, as proposed by this bill, is the wrong approach to addressing what is so rare a problem – a candidate winning the presidency but not the popular vote. This, in short, will hurt Hawai'i because we are a small state.

"Such a fundamental change to the system enshrined in the U.S. Constitution by the founders should be sought through established process of amendment whereby three-quarters of all states must agree. It should not be effectuated by as few as 11 large states through a process described by the *New York Times* as an ingenious way around the U.S. Constitution.

"Madam President, colleagues, there are many ingenious people out there with ingenious schemes. The tried and true

system was established by our founding fathers for good reason. It's the same reason that we have a United States Senate constituted by two-member representatives from the districts rather than by populations.

"Had this concept been in effect in Hawai'i since Statehood, Hawai'i's electoral votes would have gone to a candidate whom the majority of Hawai'i voters did not vote for in four of the 12 presidential elections. I hope the Majority Party listens to this closely because here's what the results would have been – Hawai'i's electoral votes would have gone to Richard Nixon rather than Humphries in 1968; Hawai'i's four electoral votes would have gone to Ronald Reagan rather than Carter in 1980; Hawai'i's four electoral votes would have gone to George H.W. Bush rather than Dukakis in 1988; and to George W. Bush rather than Kerry in 2004.

"Think about it. Think what you're doing here. Think about the future. This bill is a knee-jerk reaction by shortsighted people to a problem that rarely exists and will make things worse. What we're doing with this bill, Majority Party members, is you're pledging your electoral votes to big states. You're giving up your right to have your electoral college members vote the way the people of this state wanted you to vote.

"As was just pointed out, you're giving your electoral votes to the other party. Do you really want to do that? As a matter of principle, but as a matter of function to the founding fathers who were so brilliant in devising the electoral college, Hawai'i's electoral votes should go to the candidates who the majority of the people of Hawai'i vote for. I urge you to think about this because the right thing for you to do is to vote 'no' against the motion to override this veto and sustain the Governor's very intelligent, well thought-out veto that more than anything else, protects your constituents and their majority requests in four of the last 12 elections since statehood.

"Please join common sense in voting 'no' against the motion to override the veto. I urge a Roll Call vote, Madam President."

The President announced:

"Again, members, an 'aye' vote is a vote to override the veto, a 'no' is to sustain."

The motion was put by the Chair and, Roll Call vote having been requested, the veto of S.B. No. 1956, entitled: "A BILL FOR AN ACT RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

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

At 3:14 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:25 o'clock p.m.

#### FINAL READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 85 (H.B. No. 483, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Ige and carried, Conf. Com. Rep. No. 85 and H.B. No. 483, H.D. 1,

S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," were recommitted to the Committee on Conference.

S.B. No. 620, S.D. 1, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 620, S.D. 1, and S.B. No. 620, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAII PREPARATORY ACADEMY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (S.B. No. 1017, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 21 was adopted and S.B. No. 1017, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38 (S.B. No. 138, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 138, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIAMOND HEAD STATE MONUMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (S.B. No. 1191, S.D. 2, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 41 be adopted and S.B. No. 1191, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose in support and said:

"Madam President, I have written remarks on Conf. Com. Rep. No. 41 that I'd like to have submitted into the Journal in support."

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

"Madam President, I rise to speak in favor of this measure.

"During the first 10 weeks of 2007 we were all shocked by the news that one pedestrian per week was killed on our streets and sidewalks. Overwhelmingly, the victims were elderly.

"Through this bill, we begin to address this grave danger in our communities by providing \$3 million over the next biennium for the Department of Transportation to work with nonprofits and the counties to improve pedestrian safety.

"Madam President, of the \$3 million, \$1.8 million will go toward recalibrating traffic signals to lengthen crossing times, accelerating the installation of traffic countdown timers for the most dangerous intersections, developing a statewide public

awareness campaign, enforcing crosswalk laws for cars and pedestrians, and implementing pilot projects such as pedestrian-activated flashing signals, in-pavement warning lights, portable hand-carried signs and flags, and advanced crosswalk markers.

"The remaining \$1.2 million will be provided to the counties for traffic countdown timers and other pedestrian safety improvements on a 1:1 matching funds basis: City and County of Honolulu – \$600,000; Hawai'i County – \$300,000; Kaua'i County – \$150,000; and Maui County – \$150,000.

"Special thanks goes to AARP Hawai'i staff, volunteers, and community partners who a year ago gathered at intersections across Hawai'i to conduct 'walkability' assessments along many of Hawai'i's busiest streets. AARP identified many intersections where the timeframes to safely cross the street were too short for Hawai'i's elderly, disabled, and young pedestrians. AARP Hawai'i kept this message before us through consistent advocacy this Session.

"Your vote in favor of S.B. No. 1191 will make Hawai'i's roadways safer for pedestrians. Our action supports Kamehameha's famous law, Ke Kanawai Mamelahoe, the Law of the Splintered Paddle, which assures that every man, woman, and child is able to travel freely and in peace. This law is established in article IX, section 10, of the Hawai'i State Constitution.

"Madam President, I urge all of my colleagues to join me in voting in favor of this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41 was adopted and S.B. No. 1191, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48 (S.B. No. 149, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 48 was adopted and S.B. No. 149, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (H.B. No. 1370, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Baker and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 1370, H.D. 1, S.D. 1, C.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 Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (H.B. No. 692, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 63 was adopted and H.B. No. 692, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (H.B. No. 1372, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Baker and carried, Conf. Com. Rep. No. 75 was adopted and H.B. No. 1372, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76 (H.B. No. 1063, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 76 was adopted and H.B. No. 1063, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78 (H.B. No. 334, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 334, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SOPOGY INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99 (H.B. No. 1614, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 99 was adopted and H.B. No. 1614, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 106 (S.B. No. 1402, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 106 was adopted and S.B. No. 1402, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LOSS MITIGATION GRANT FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108 (S.B. No. 896, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Baker and carried, Conf. Com. Rep. No. 108 was adopted and S.B. No. 896, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO HIGH TECHNOLOGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109 (S.B. No. 880, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 109 was adopted and S.B. No. 880, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MUSEUM OF HAWAIIAN MUSIC AND DANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116 (S.B. No. 1916, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 116 was adopted and S.B. No. 1916, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117 (S.B. No. 1672, S.D. 2, H.D. 3, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 117 be adopted and S.B. No. 1672, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose in support and said:

"Madam President, I have written remarks on Conf. Com. Rep. No. 117 that I'd like to have submitted into the Journal in support."

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

"Madam President, I rise to speak in favor of this measure.

"Medicaid payments in Hawai'i and nationally are insufficient to cover the actual costs of care. The disparity between payments and actual costs contributes to the health care crisis we are facing. To make up for the financial shortfall, health care providers must internally shift revenue received from other sources to cover the unpaid costs of providing care to Medicaid recipients.

"However, those other sources of funding are becoming less and less available. For example, Medicare payments also do not cover the cost of care. Also, many uninsured patients do not have the ability to pay for the health care services they receive. In addition, health insurance plans are being pressured to keep premiums down, so their ability to raise payments to health care providers is limited.

"The Legislative Reference Bureau issued a report in December 2006 entitled, 'Medicaid and Quest Provider Payment and Reimbursement Rates,' which concluded that providers often receive insufficient payments for health care from government programs.



"In addition, the Hawai'i Health Care Task Force, including a broad representation of interests, recommended that payments to providers through state government insurance programs should be reviewed and increased to address the impact of inadequate reimbursements.

"Medical care services, especially for specialty care coverage in rural areas and on the neighbor islands, have reached crisis proportions. Hawaii's physicians servicing Medicaid eligible persons have been adversely affected by the inadequacy of Medicaid reimbursements and payments.

"This bill is intended to take a step toward restoring financial viability of the health care industry in Hawai'i. This measure appropriates \$8 million dollars in fiscal years 08 and 09 to increase Medicaid reimbursements to health care providers in Hawai'i. It is in the public interest to ensure that health care payments made with state funds or controlled by the state are sufficient to cover the actual costs of care. The monies appropriated through this bill will allow us to receive additional matching federal funds.

"Madam President, I urge all of my colleagues to join me in voting in favor of this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 117 was adopted and S.B. No. 1672, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (S.B. No. 1676, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 118 was adopted and S.B. No. 1676, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (H.B. No. 122, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 122, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 130 (H.B. No. 13, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Baker and carried, Conf. Com. Rep. No. 130 was adopted and H.B. No. 13, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 131 (H.B. No. 1630, H.D. 2, S.D. 2, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 131 be adopted and H.B. No. 1630, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose in support and said:

"Madam President, I have written remarks on Conf. Com. Rep. No. 131 that I'd like to have submitted into the Journal in support."

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

"Madam President, I rise to speak in favor of this measure.

"The EAST (environmental and spatial technology) student-centered, project-based learning model has been recognized nationally as an innovative, relevant and successful approach to education. This initiative is now a proven model over the last six years within our Hawai'i public schools. I was fortunate to be able to promote this program on Maui when I worked with the county several years ago. It has been nurtured by the Maui Economic Development Board and their Women in Technology program. Delivered from within the DOE, EAST provides students with hands on learning and application of some of the most current, cutting edge technologies available for problem-solving to address community issues and concerns.

"EAST students routinely interact with hardware and software in animation, computer aided design, engineering design, visualization, database design, webpage design, programming, office automation, global positioning systems, and geographic information systems. In the process of solving problems they learn to become creative, intuitive, adaptable learners who can solve unpredictable, real-world problems.

"Seven project EAST labs have been established in Hawai'i – Chiefess Kamakaha Middle School on Kauai; Maui High School, Baldwin High School, King Kekaulike High School, Lahainaluna High School, and Kihei Charter School on Maui; and Kea'au High School on Hawai'i. Since 2001, Hawai'i students have won a number of awards at the National EAST Conference, competing successfully against approximately 200 schools in six other states.

"The purpose of this Act is to maintain the project EAST program in existing schools and to expand the program to schools statewide. Over 80 percent of EAST participants go on to higher education in technology fields. EAST has demonstrated its value and sustainability over the years. And it attracts students who may have had difficulty learning in traditional ways. It challenges and enables student learning and achievement.

"Madam President, I urge all of my colleagues to join me in voting in favor of this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131 was adopted and H.B. No. 1630, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY WORKFORCE DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 133 (H.B. No. 598, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 133 was adopted and H.B. No. 598, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

#### FINAL READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 37 (S.B. No. 1154, S.D. 2, H.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 37 be adopted and S.B. No. 1154, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Trimble rose in opposition to the measure and said:

"Madam President, I rise in opposition.

"Colleagues, this bill, in part, gives the University of Hawai'i the authority to issue revenue bonds. This authority should not be lightly given. If we look around at other state departments that have this authority – highways, airports, harbors – they pledge land as collateral. And in fact they're in pretty good position because they happen to be a monopolist either in the harbor or the airport. So, we have very little to worry about in terms of knowing that somehow they will be able to come up with the income stream necessary to pay off these bonds.

"It is a very different position when we give this authority to the University of Hawai'i, which is not in the position of a monopolist to raise money. And we might find ourselves with the University of Hawai'i pledging collateral far in excess of the revenue, I mean in terms of the amount that is owed, and that we will have to come in at some later date to bail it out just to keep property and assets in the hands of the public.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37 was adopted and S.B. No. 1154, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 46 (S.B. No. 795, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 795, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING CODES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Menor, Taniguchi).

Conf. Com. Rep. No. 49 (S.B. No. 837, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 837, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 89 (H.B. No. 1231, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 89 be adopted and H.B. No. 1231, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 89 was adopted and H.B. No. 1231, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Slom). Noes, none. Excused, 2 (Bunda, Menor).

Conf. Com. Rep. No. 90 (H.B. No. 667, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 90 be adopted and H.B. No. 667, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition to the measure as follows:

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

"We've talked about this bill several times before. There are ongoing negotiations about Kukui Gardens. We are injecting the state and the taxpayers into this project. As has been reported in the news, it's \$25 million, but that's only half of the story. It's \$25 million this year, \$26 million next year, \$51 million initially in general obligation bonds – general obligation to the people of this state to purchase or to have an interest in this property.

"We should allow the negotiations to continue. We should have our input in the negotiations, but the state should not be acquiring more property at taxpayer expense."

Senator Baker rose in support of the measure and said:

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

"Madam President, this measure comes before us because the state has a unique opportunity to purchase land under an affordable housing project and keep it as affordable housing in perpetuity. Indeed, we're purchasing part of the parcel and another non-profit entity, who has agreed to keep the property as an affordable project for a significant period of time, has the other piece of it. This will preserve the state's option to pick up the rest of the parcel at a future date.

"I would remind my colleagues that if we were to purchase raw land and put up units, we would be looking at between

\$300 and \$400 million to do a project like that one that we are able to acquire with only \$25 million in general obligation bonds.

“There are a number of very low income seniors and others living in this project and it’s very important to preserve it in perpetuity for the purpose for which it is being acquired – low-income affordable housing.

“Thank you.”

Senator Chun Oakland rose to support the measure and said:

“Madam President, I also stand in support of this measure.

“In addition to the previous speaker’s comments, I would also like to share with the Senate that the \$25 million that is being looked at is actually supportive of the negotiations that are going on. It is a request that was made by the administration. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 90 was adopted and H.B. No. 667, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KUKUI GARDENS RENTAL HOUSING COMPLEX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 91 (H.B. No. 835, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 91 was adopted and H.B. No. 835, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 92 (H.B. No. 1605, H.D. 1, S.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 92 be adopted and H.B. No. 1605, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose in support and said:

“Madam President, may I have remarks in support of this measure inserted into the Journal?”

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

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

“Madam President, colleagues, this is exactly the kind of bill that we have the obligation to our constituents to pursue as a part of our multi-pronged attack on the traffic crisis in Hawaii. Traffic congestion continues to be one of the biggest concerns for the people of Maui. Traffic is not just an inconvenience to commuters, but it is also a detriment to Maui’s businesses and a threat to public safety. We need to find ways to improve and increase the capacity of our highways without the expense and visual blight of building more lanes. This measure does exactly that by using communications and information technology to resolve traffic control issues and reduce congestion by maximizing traffic flow.

“This is a wise, prudent step toward alleviating some of the traffic congestion that bogs down our State daily and I urge all of my colleagues to support it. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92 was adopted and H.B. No. 1605, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRAFFIC CONTROL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 94 (H.B. No. 1212, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 94 be adopted and H.B. No. 1212, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94 was adopted and H.B. No. 1212, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Slom). Noes, none. Excused, 2 (Bunda, Ige).

Conf. Com. Rep. No. 95 (H.B. No. 1200, H.D. 1, S.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 95 be adopted and H.B. No. 1200, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Trimble rose in opposition to the measure as follows:

“Madam President, I rise in opposition.

“Colleagues, my opposition is very narrowly focused. It relates specifically to references for the building of OHA’s headquarters at Pier 1. I’ve talked about that two or three times before in this Session. From my perspective, their offices would be more appropriately located in the Capitol District, not at Pier 1.

“I encourage you to read the latest issue of *Hawai’i Business*. It has a nice editorial piece by former Governor Ariyoshi who says, ‘Honolulu Harbor is a non-renewable resource. We can build condominiums in many places, but we only have one Honolulu Harbor.’ He suggests that we step back, think about it, and preserve our maritime lands for maritime use.

“Thank you.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 95 was adopted and H.B. No. 1200, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Slom). Noes, 2 (Hemmings, Trimble). Excused, 2 (Bunda, Hooser).

Conf. Com. Rep. No. 98 (H.B. No. 869, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Sakamoto and carried, Conf. Com. Rep. No. 98 was adopted and H.B. No. 869, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON ENERGY EFFICIENT TRANSPORTATION STRATEGIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 101 (S.B. No. 1853, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Conf. Com. Rep. No. 101 was adopted and S.B. No. 1853, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 102 (S.B. No. 1382, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 102 was adopted and S.B. No. 1382, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 103 (S.B. No. 1388, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Baker and carried, Conf. Com. Rep. No. 103 was adopted and S.B. No. 1388, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 105 (S.B. No. 990, S.D. 2, H.D. 3, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 105 be adopted and S.B. No. 990, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Menor rose in support with reservations and said:

"Madam President, I just wanted to state briefly that I'm going to be voting in favor of this measure but with strong reservations."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105 was adopted and S.B. No. 990, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM INDUSTRY MONITORING," having been read

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

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

Conf. Com. Rep. No. 107 (S.B. No. 1946, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Conf. Com. Rep. No. 107 was adopted and S.B. No. 1946, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 110 (S.B. No. 1228, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 110 was adopted and S.B. No. 1228, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL PRESERVATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 111 (S.B. No. 1026, S.D. 2, H.D. 3, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 111 be adopted and S.B. No. 1026, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose in opposition to the measure and said:

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

"Again, this bill further expands the beverage container tax measure. People were smart enough to switch from smaller containers to larger containers, but this bill will now penalize them for doing that and continues to add employees to the Department of Health; add costs to the recycling program; does not show any signs of helping the landfill situation or the original purposes for recycling; maintains at least a \$25 million surplus within the state; allows the state to benefit from the recycling, thus adding to the cost and adding to the cost of consumers greatly.

"Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 111 was adopted and S.B. No. 1026, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 113 (S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 113 be adopted and S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose in support and said:

“Madam President, may I have some remarks in support of this measure inserted into the Journal. Thank you.”

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

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

“Madam President, S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1, reduces the tax burden for low to middle income resident taxpayers by establishing a graduated food/excise tax credit.

“S.B. No. 1882 is a properly structured income tax credit for food targeting lower income individuals. This targeted tax relief is estimated to cost \$24 million, and will benefit over 400,000 or 60 percent of Hawaii’s taxpayers.

“Madam President, the most recent Tax Review Commission recommended that rather than exempting food and other items from the GET (which the Tax Review Commission found to be undesirable), ‘if the Legislature finds it desirable to grant such tax relief on equity grounds, it should pursue those goals either through low-income credits against income taxes or through the appropriation and expenditure process, which enhances transparency and accountability.’ S.B. No. 1882 does exactly that.

“This progressive tax relief legislation is accomplished by expanding the currently existing low-income refundable tax credit and reinstating the ‘refundable food/excise tax credit.’ The measure:

- Creates additional income brackets and raises the income cap to increase the number of people who qualify for the credit; and
- Raises the amount of the tax credit for each bracket to provide greater tax relief for lower income families.

“Colleagues, I believe that this measure provides tax relief in a *meaningful* way to people who really need it – the working poor and the folks who are struggling to make ends meet. They need the relief this measure can provide and they need it now.

“Madam President, I urge all of my colleagues to join me in voting in favor of S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 113 was adopted and S.B. No. 1882, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 126 (H.B. No. 436, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 436, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 129 (H.B. No. 718, S.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 129 be adopted and H.B. No. 718, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Ihara rose and said:

“Madam President, please note my reservations on this bill.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 718, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KAKAAKO,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 132 (H.B. No. 15, H.D. 2, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 132 be adopted and H.B. No. 15, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and said:

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

“I have no problem with the bill in general but it establishes the Felix Stipend Program Special Fund. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132 was adopted and H.B. No. 15, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

### THIRD READING

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

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

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

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

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

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

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

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

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

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

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

On motion by Senator Ige, seconded by Senator Hooser 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, 24. Noes, none. Excused, 1 (Bunda).

H.B. No. 1307, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, H.B. No. 1307, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 3:43 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:44 o'clock p.m.

Senator Slom rose on a point of personal privilege as follows:

"Madam President, I rise on a point of personal privilege.

"You know, I was reminded of this about an hour or so ago on page 39, under 11, Miscellaneous Communications, Misc. Com. No. 2 – Miscellaneous Communication from the Senate President, that would be you, and the Speaker of the House in extending our Session, extending the time in which committee reports were allowed to be filed from 12 midnight on Friday until 12 noon on Saturday. Madam President, I've been around this Capitol for a long time, and I remember the good old days when we approached the deadline and we had electric clocks with plugs and the gentlemanly thing to do is to reach up and unplug the clock at 11:59 and 55 seconds. And that was fair because everybody was in the room and everybody saw that. Making a miscellaneous communication, which is now being filed three days after the fact, I think begs the question of whether or not we really have followed the rules of the road this Session, and particularly the intent.

"I keep mentioning, as if I have to because my colleagues remind me, I'm definitely from the old school, and the old school says if you have a deadline for something, you meet the deadline. If you don't meet the deadline, it's over. That's to encourage people to be responsible and do due diligence and do their reporting on time.

"I can remember in my first or second Session when we all gathered in the House Chambers for the last part of discussion

and debate on committee reports, conference reports, signing those reports, and I remember that the Senate and House Clerks were there to receive same. And I remember quite vividly that some of those reports were handed in at 12:01 a.m. and the Clerks at the time refused to accept them because the rules said we adjourned at 12:00 midnight. And because they refused, some of those bills and some of those Conferences, even though there was a lot of explanation – well, we were running across the room, or somebody was absent, or somebody had to go to the bathroom, or this or that or whatever – we still maintained the rule.

"I think we have a real problem this Session because of the waiver of so many rules. I'm not saying that we can't do it. Obviously, the Majority can. The Majority has made the rules. But I would suggest that it sends the wrong message not only to people in this Body who may have not gotten the Miscellaneous Communication prior to it being issued, but also watching in Committees as bills that died, mysteriously and miraculously came back to life – not once, not twice, sometimes three times this Session. And it was all perfectly legal. And again we had are continuing charade of conflicts of interest and ethics approval and waivers.

"You know, I think we can only fool the public so long. We know what the intent of rules are. We know what deadlines are. And if we don't adhere to them, how can we expect the public to adhere to them? So, I think, Madam Chair, that, as I say, legally there probably is no leg to stand on because we make the rules; we break the rules; we change the rules; we waive the rules. I think that we all should be doing a much better job.

"Once we set a calendar, once we set a deadline, once we have a vote, and everybody understands what that means, we should do that and we should stick by it.

"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.

"Madam President, colleagues, it's unfortunate that the good representative from Hawai'i Kai didn't stay up with us until midnight that night to see exactly what did happen. The President and Speaker of the House addressed the entire body, noting that we had finished our work in terms of meeting our deadlines and voting on the conference drafts, but due to the volume of bills, some of those measures didn't have the technical opportunity to have them completed by the Clerk's Office. It wasn't that decisions weren't made, the decisions were made, but some of those reports could not be physically printed and produced.

"The Clerks were there and accepted everything that was ready. There could be no more decisions made after midnight – there were no more decisions made after midnight, and things weren't changed. But to handicap the Legislature because of ministerial kinds of actions that needed to be taken, our Leadership, both the House and the Senate, felt like that shouldn't be the case and we would lose good measures that needed to go forward.

"Yes, we make the rules and we can change the rules. But it wasn't changing the rules because we met the deadlines in terms of making the decisions, and I believe that our Leadership acted appropriately in full view of everybody that was there. It was not something that was done after. This, quite frankly, putting it on our OD is the formal piece of it, but everything

was done out in the open, in the view of the public, there was the media there, and there were others.

“It’s just unfortunate that some of our colleagues chose not to be available and not to participate in the process up until the end. Thank you, Madam President.”

Senator Slom rose in rebuttal as follows:

“Madam President, just a brief rebuttal just to let the kind Senator from Maui know that I was awake and alert and that we had 60 working days to get our business finished. And the fact of the matter is that we didn’t do it! We can make all the excuses we want. And the next time that I have a problem getting my tax returns in or something that’s required because my computer broke down, or the mail didn’t pick up my material, or copier didn’t work, I certainly want the good Senator from Maui to stand behind me and say, ‘That’s okay, it was just ministerial.’

“We enforce deadlines on everyone else in this state and we should set the example by meeting them ourselves. It’s not that we didn’t have enough time! It’s not that people didn’t show up at the right time! It’s that we didn’t get it done. Why? Because we were haggling and arguing amongst ourselves and between our good colleagues over in the House.

“Thank you, Madam President.”

Senator Hooser rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege, please.

“I don’t want to belabor the subject, but I’m also from the old school, and in the old school you show up when your responsibilities call you to show up. And I want to repeat for the record that a number, actually, on the Minority side, did not show up, were not there to represent their colleagues, and if they had been there, they could have spoken directly to the President, directly to the Speaker, directly to Leadership on both sides to express any concerns that they had.

“So I find the objection at this point in time, quite frankly, a little bit ludicrous. Thank you.”

Senator Ige rose on a point of personal privilege as follows:

“Madam President, I rise on a point of personal privilege.

“The Minority Leader last week had mentioned a concern about Gov. Msg. No. 693, and I just wanted to have entered into the Journal a status report of Gov. Msg. No. 693 which reflects the actions taken by the Senate Health Committee. I also wanted to have in the Journal the record of votes and would like to note that there was bipartisan unanimous decision to not advise and consent to this Governor’s nomination.

“I also wanted to share with the Minority Leader some of the misinformation that the Senate Committee on Health reviewed and used this Session in dealing with many of these issues involving the State Health Planning and Development Agency, otherwise known as SHPDA. First of all, I’m providing copies of three documents that I hope will help the Minority Leader with his homework on the next time he needs to deal with SHPDA. First is a copy of HRS 323D, Section 43, Certificate of Need, which provides the statutory framework for the certificate of need process. Next, I did want to provide a copy of Hawai’i Administrative Rules, Title 11, Chapter 186, SHPDA Certificate of Need Program, which outlines

specifically what the process involves in the administrative rules that provide for the certificate of need process. And I would note specifically, that in Subchapter 3, Criteria for Agency Reviews, it specifically lists 12 criteria that any certificate of need should be judged on, and in fact it admonishes the advisory committee to not look at anything other than these 12 criteria in evaluating certificate of need applications presented to the agency.

“And finally, I just wanted to provide the misinformation to the Minority Leader concerning the SHPDA council members orientation manual, which explicitly talks about the fact that . . . and I would like to note on the 12 criteria that popularity amongst the community is not one of the criteria, political pressure from elected leaders is not a criteria, and political posturing is not a criteria for decision making. And in fact, if he was to review the council members’ orientation guide, it explicitly prohibits ex parte contacts with anyone involved with any of the applications, which was one of the reasons why the nominee was rejected.

“So I just wanted to provide this misinformation to the Minority Leader so that he could do some of his homework. I’m certain that any of the Health Committee members would be more than willing to tutor the Minority Leader should he wish to pursue SHPDA issues in the future. It’s unfortunate that his tutor, although she may be an attorney, is not fit to serve on any of the advisory committees.

“And finally, I also would like to note that I’m quite confident I could convince my 11-year-old son to offer free-of-charge surfing lessons to the Minority Leader – at least lessons on surfing the Internet – because all of these documents are clearly identified on the website that have been put together and made available by the hardworking public servants at the agency. And I clearly would invite the Minority Leader to review more carefully the information provided on the website.

“Thank you.”

The Chair having so ordered, a record of the vote and the status of Gov. Msg. No. 693 are identified as ATTACHMENT “B” to the Journal of this day.

Senator Hemmings rose on a point of personal privilege as follows:

“Are you surprised that I’m rising on a point of personal privilege, Madam President?”

“I love you guys – really do. The chutzpah and the gall you have in insulting the intelligence of the people of Hawai’i by what you do here, especially insulting the intelligence of the people of Maui who so desperately and, yes, people are dying. They’re dying on Maui because they don’t have a well-rounded medical care system.

“I’ll tell you what I do know. I do know that in the 1980s, when I was in the House of Representatives, the federal government got rid of the CON process as a mandate because it wasn’t working. I do know that most other states who have the CON process have it very narrowly defined mostly for long-term care facilities. I do know that most other states do not have a medical care monopoly as they have for the poor people on Maui where the state is operating a hospital with no choice or no opportunity for the people of Maui. I do know that the people of Maui overwhelmingly want a second hospital there but this, in my estimation, antitrust CON process doesn’t allow it to be there.

“So, in spite of the insults from the previous speaker – personal insults – I wished he dealt with the issue. And the issue is, what is best for the people of this state, more specifically in this instance, what is safe and best for the people of Maui. It seems the people of Maui know what’s best for them, because everything I’ve heard from them is that they do want a second choice of hospital.

“But we know what this is all about. Previous speakers today really enunciated who’s running this Legislature. It’s not us. It’s a handful of political leaders and the HGEA who don’t want to see their hospital challenged by a private sector hospital. That’s why our harbors are empty – because we don’t want private sector partnership to put in marinas. We’re the last state in the nation. That’s why for 20 years this Legislature never moved on quarantine reform – because we didn’t want to upset a few jobs out at the Quarantine Station. And the list goes on and on and on and on.

“So, to the previous speaker, you can insult me personally all you want, but the facts speak for themselves of what you did and why you did it. And I’ll guarantee you the people of Maui know exactly what’s going on in spite of the smokescreen of SHPDA and the CON process that protect a state monopoly that is failing miserably.

“Thank you, Madam President.”

#### **ADJOURNMENT**

At 4:01 o’clock p.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 10:00 o’clock a.m., Thursday, May 3, 2007.



**ATTACHMENT "A"**

**Education Committee (EDU)**

**& Education-Related Measures**

<p><b>ADMINISTRATION</b>                  SB 603 SD2 HD2 CD1 Charter Schools                  HB 367 HD1 SD3 CD1 Substance Abuse, Screening; \$94K                  HB 18 HD1 SD2 HTSB; Extenuating Circumstances                  HB 14 HD1 SD1 CD1 Transfers Budget; Functions to Dept. of Budget and Finance                  HB 13 HD1 SD1 CD1 Revolving Fund; Food Distribution                  SB 98 SD1 HD1 Public School Nurses; Health Aides Transfer                  HB 1670 HD2 SD2 CD1 Ingenuity Charter; \$30K                  HB 1620 SD1 HD2 CD1 DOE; Financing Agreements                  SB 95 SD1 Vacant Positions (Act 41)</p>	<p><b>STUDENTS</b>                  SB 618 HD1 CD1 Veterans; High School Diploma                  HB 767 HD2 SD2 CD1 Running Start; \$50K/\$50K</p>	<p><b>LEARNING</b>                  SB 1931 SD2 HD3 CD1 Workforce Development; \$150K/\$50K                  SB 885 SD2 HD3 CD1 STEM Innovation; Academies; \$2.5million/\$2.5million                  HB 598 HD1 SD1 CD1 Online Learning Task Force; \$50K  <b>COMMUNITY</b>                  SB 613 SD2 HD2 CD1 Early Ed. Jr.K; Pre plus                  SB 688 SD2 HD1 CD1 Hawaii P-20 Initiative; \$50K/\$50K</p>
<p><b>FACILITIES</b>                  HB 19 HD2 SD2 CD1 School Impact Fees                  SB 1092 Fix Our Schools Act 2006 (Act 34)                  HB 21 HD1 Asbestos Testing (Act 3)                  Special Purpose Revenue Bonds (SPRBs)                  SB 620 SD1 HD1 Hawaii Preparatory Academy; \$                  HB 429 HD1 Sacred Hearts Academy; \$                  HB 504 Le Jardin Academy; \$                  HB 681 HD1 Hanaiali Schools; \$</p>	<p><b>TEACHERS</b>                  HB 25 HD1 SD1 Teacher Licensing; Out-of-State Teachers                  HB 1014 HD2 SD1 CD1 Complex Area Support; \$535K                  HB 777 HD2 SD2 CD1 Teach for America; \$168K                  HB 24 HD1 SD2 CD1 Hawaii Educator Loan Program; \$250K                  HB 686 SD1 HD1 CD1 National Board Certification Incentives; \$500K                  SB 1614 SD1 HD1 CD1 Educational Assistants' Career Ladder Program; Teacher Recruitment; Waiānae Model; \$50K/\$50K</p>	<p><b>HB 500 HD1 SD1 CD1 – State Budget</b>                  DOE R&amp;M: \$50 million GO Bonds \$25 million                  DOE Electrical Upgrades: \$25 million; GO Bonds Weighted Student Formula; \$20 million                  Information Technology; \$3.5/\$2.7 million                  Business Managers &amp; Fiscal Support: \$3/\$2.7 million                  Teacher Mentor Program: \$2.50K/\$2.50K</p>

For further information:  
 Please visit  
<http://www.capitol.hawaii.gov> and go to  
 bill status and documents; the bill  
 information can be obtained.  
  
**Senator Norman Sakamoto**  
 Chair, Senate Education Committee  
 Phone: 586-8585 Fax: 586-8588  
[sensakamoto@capitol.hawaii.gov](mailto:sensakamoto@capitol.hawaii.gov)

**UNIVERSITY OF HAWAII**  
 BOR: Candidate Advisory Council  
 VETOED by GOV  
 Academy Creative Media;  
 \$150K/\$150K  
 Tobacco Settlement; UH Med School  
 (Enrolled to GOV)  
 Primary Healthcare; Rural Areas;  
 \$1.5/\$2.5million  
 Trans: Hawaii Energy Policy Forum;  
 \$50K  
 Felix Stipend Revolving Fund  
 SB 1154 SD2 HD2 CD1 Projects and Purposes: Flexibility  
 HB 1529 HD2 SD2 CD1 Scholarship; Hiram Fong/Oren Long;  
 \$50K  
 Hawaii Natural Energy Institute;  
 \$300K

**HB 500 HD1 SD1 CD1 – State Budget**  
 UH R&M: \$32 million GO Bonds  
 UH West Oahu Development: \$100 million Special Funds  
 \$35 million GO Bonds  
 UH B+ Scholarship: \$2 million  
 Nursing Shortage Faculty Building: \$1.3/\$2.6 million  
 Expansion of JABSOM: \$3.6/\$3.9 million  
 AIDS Research: \$800K/\$00K  
 Cancer Research: \$11 million

5/1/2007

ATTACHMENT "B"

**Hawaii State Legislature**

Bill Status

[GM693](#)

Generated on 8/13/2007 4:28:25 PM

Measure Title: Submitting for consideration and confirmation to the Statewide Health Coordinating Council, Gubernatorial Nominee, ELIZABETH G. FLETCHER, for a term to expire 6-30-2009.  
 Report Title: Statewide Health Coordinating Council  
 Description:  
 Package: None  
 Companion:  
 Introducers: None  
 Current Referral: HTH

Date	Status	Status Text
3/30/2007	S	Referred to HTH.
4/2/2007	S	The committee(s) on HTH has scheduled a public hearing on 04-16-07 at 1:15 pm in conference room 016.
4/16/2007	S	The committee on HTH deferred the measure.
4/18/2007	S	The committee(s) on HTH will hold a public decision making on 04-20-07 at 1:15 pm in conference room 229.
4/20/2007	S	The committee on HTH deferred the measure.
4/23/2007	S	The committee(s) on HTH will hold a public decision making on 04-25-07 at 1:20 pm in conference room 229.
4/25/2007	S	The recommendation of the committee(s) on HTH is to NOT ADVISE AND CONSENT to the nomination(s). The votes in HTH were as follows: 4 Aye(s): Senator(s) Ige, Fukunaga; Aye(s) with reservations: Senator(s) Baker, Whalen ; 0 No(es): none; and 1 Excused: Senator(s) Menor.
4/26/2007	S	Nominee Elizabeth G. Fletcher withdrawn by Governor (Gov. Msg. No. 795)

\$ = Appropriation measure

ConAm = Constitutional Amendment