

FORTY-FIRST DAY

Monday, March 31, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Frank Diehl, The Tree of Life Christian Center, after which the Roll was called showing all Senators present with the exception of Senator Sakamoto who was excused.

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

At this time, Senator Bunda congratulated the Leilehua High School Football Team on becoming the 2007 Hawaii High School Division I State Football Champions, and introduced the following players and coach: Haani Aitaoto, Raymond Cartwright, Christian Collado, Josh Cruz, Kaumu Delos Santos, Kaipo DeRegos, Jordan Jenks, Sean Kenigton, Art Laurel, Zaire Macapagal, Melchor Moises, Kyle Ontiveros, Gerald O'Reilly, Keala Pascua, Bronson Pausa, Josh Quinn, Robert Siavii and Joedee Taua and Head Coach Nolan Tokuda.

At 11:47 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:53 a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 556 to 559) were read by the Clerk and were placed on file:

Gov. Msg. No. 556, dated March 28, 2008, transmitting the Employees' Retirement System's Criteria to Determine the Funding Level of Hawaii Private Placement Investments, pursuant to Act 260, SLH 2007.

Gov. Msg. No. 557, dated March 28, 2008, transmitting a Report on the Temporary Hawaii Inter-Island Ferry Oversight Task Force, prepared by the Department of Transportation pursuant to Act 2, Second Special Session 2007.

Gov. Msg. No. 558, letter dated March 25, 2008, transmitting proposed changes to the Executive Supplemental Budget for FY 2009 for the Department of Transportation.

Gov. Msg. No. 559, letter dated March 27, 2008, transmitting proposed changes to the General Appropriations Act for the Department of Business, Economic Development and Tourism, the Department of Public Safety, and the Department of Land and Natural Resources.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 405 to 411) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 405, transmitting H.C.R. No. 147, H.D. 1, which was adopted by the House of Representatives on March 28, 2008, was placed on file.

By unanimous consent, H.C.R. No. 147, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INSTALLATION AND USE OF SMOKE DETECTORS IN EVERY HAWAII HOME BY 2010," was referred to the Committee on Intergovernmental and Military Affairs.

Hse. Com. No. 406, transmitting H.C.R. No. 215, H.D. 1, which was adopted by the House of Representatives on March 28, 2008, was placed on file.

By unanimous consent, H.C.R. No. 215, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CREATE A REDEVELOPMENT MASTER PLAN FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES," was referred jointly to the Committee on Human Services and Public Housing and the Committee on Commerce, Consumer Protection and Affordable Housing.

Hse. Com. No. 407, transmitting H.C.R. No. 240, H.D. 1, which was adopted by the House of Representatives on March 28, 2008, was placed on file.

By unanimous consent, H.C.R. No. 240, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DESIGNATE THE MONTH OF SEPTEMBER AS 'BRAIN ANEURYSM AWARENESS MONTH'," was referred to the Committee on Health.

Hse. Com. No. 408, transmitting H.C.R. No. 300, which was adopted by the House of Representatives on March 28, 2008, was placed on file.

By unanimous consent, H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE COUNTIES TO IMPLEMENT THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S DESIGN GUIDANCE DOCUMENT ON INTEGRATING BICYCLING AND WALKING WHEN BUILDING THEIR TRANSPORTATION INFRASTRUCTURE IN ORDER FOR ALL HAWAII RESIDENTS WHO CHOOSE TO WALK OR BICYCLE TO DO SO SAFELY AND EFFICIENTLY," was referred jointly to the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs.

Hse. Com. No. 409, transmitting H.C.R. No. 310, which was adopted by the House of Representatives on March 28, 2008, was placed on file.

By unanimous consent, H.C.R. No. 310, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO USE THE AUTHORITY GRANTED TO THEM UNDER SECTION 342D-70, HAWAII REVISED STATUTES, AND ADOPT AND IMPLEMENT STANDARDS FOR THE REUSE OF RESIDENTIAL GRAY WATER FOR SUBSURFACE LANDSCAPE IRRIGATION," was referred jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Health.

Hse. Com. No. 410, returning S.B. No. 3027, S.D. 2, which passed Third Reading in the House of Representatives on March 28, 2008, was placed on file.

Hse. Com. No. 411, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1832, H.D. 1 (S.D. 1);
H.B. No. 2492, H.D. 1 (S.D. 1); and
H.B. No. 2954 (S.D. 1),

was placed on file.

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3251) recommending that the Senate advise and consent to the nomination of NICHOLAS G.

OPIE DC to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 299.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3251 and Gov. Msg. No. 299 was deferred until Tuesday, April 1, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3252) recommending that the Senate advise and consent to the nomination of MICHAEL L. TRAUB to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 313.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3252 and Gov. Msg. No. 313 was deferred until Tuesday, April 1, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3253) recommending that the Senate advise and consent to the nomination of PATRICIA A. LANGE-OTSUKA to the State Board of Nursing, in accordance with Gov. Msg. No. 314.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3253 and Gov. Msg. No. 314 was deferred until Tuesday, April 1, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3254) recommending that the Senate advise and consent to the nomination of HARRIETT CHRISTINA BAXENDALE to the Board of Physical Therapy, in accordance with Gov. Msg. No. 319.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3254 and Gov. Msg. No. 319 was deferred until Tuesday, April 1, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3255) recommending that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

DONALD L. DYMOND, in accordance with Gov. Msg. No. 330;

DORVIN D. LEIS, in accordance with Gov. Msg. No. 331; and

MICHAEL C. L. YEE, in accordance with Gov. Msg. No. 332.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3255 and Gov. Msg. Nos. 330, 331 and 332 was deferred until Tuesday, April 1, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3256) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

BLENN AKIRA FUJIMOTO, in accordance with Gov. Msg. No. 333;

VINCENT A. PIEKARSKI, in accordance with Gov. Msg. No. 334;

ERIC BRANDON YEE, in accordance with Gov. Msg. Nos. 335 and 336; and

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3256 and Gov. Msg. Nos. 333, 334, 335 and 336 was deferred until Tuesday, April 1, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3257) recommending that the Senate advise and consent to the nomination of CRAIG I. NAKANISHI to the Board of Directors of the High Technology Development Corporation, in accordance with Gov. Msg. No. 468.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3257 and Gov. Msg. No. 468 was deferred until Tuesday, April 1, 2008.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3258) recommending that the Senate advise and consent to the nomination of MYRON N. DOBASHI to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 510.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3258 and Gov. Msg. No. 510 was deferred until Tuesday, April 1, 2008.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 3259) recommending that the Senate advise and consent to the nomination of KYOKO Y. KIMURA to the Board of Directors of the Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 484.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3259 and Gov. Msg. No. 484 was deferred until Tuesday, April 1, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3260) recommending that the Senate advise and consent to the nomination of TRAE MENARD to the Natural Area Reserve System Commission, in accordance with Gov. Msg. No. 532.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3260 and Gov. Msg. No. 532 was deferred until Tuesday, April 1, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3261) recommending that the Senate advise and consent to the nomination of LAWRENCE H. MIIKE MD, JD to the Commission on Water Resource Management, in accordance with Gov. Msg. No. 543.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3261 and Gov. Msg. No. 543 was deferred until Tuesday, April 1, 2008.

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. 3262) recommending that S.R. No. 115, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3262 and S.R. No. 115, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH A TASK FORCE TO ASSIST IN DEVELOPING A MASTER PLAN FOR LONG-TERM CARE FOR LEAHI HOSPITAL," was deferred until Tuesday, April 1, 2008.

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. 3263) recommending that S.C.R. No. 201, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3263 and S.C.R. No. 201, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH A TASK FORCE TO ASSIST IN DEVELOPING A MASTER PLAN FOR LONG-TERM CARE FOR LEAHI HOSPITAL,” was deferred until Tuesday, April 1, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3264) recommending that S.R. No. 42, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3264 and S.R. No. 42, S.D. 1, entitled: “SENATE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO PROCLAIM JUNE 8TH OF EVERY YEAR AS WORLD OCEAN DAY,” was deferred until Tuesday, April 1, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3265) recommending that S.C.R. No. 77, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3265 and S.C.R. No. 77, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO PROCLAIM JUNE 8TH OF EVERY YEAR AS WORLD OCEAN DAY,” was deferred until Tuesday, April 1, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3266) recommending that H.B. No. 2460, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2460, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3267) recommending that H.B. No. 2591, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 2591, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3268) recommending that H.B. No. 3109, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 3109, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 2008.

Senators English and Hee, for the Committee on Transportation and International Affairs and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 3269) recommending that H.B. No. 2917, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 2917, H.D. 2, S.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO HARBORS,” passed Second Reading and was placed on the calendar for Third Reading on Wednesday, April 2, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3270) recommending that H.B. No. 3325, H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.B. No. 3325, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIFORM LAND SALES PRACTICES ACT,” passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 1, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3271) recommending that H.B. No. 2810, H.D. 1, S.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 3271 and H.B. No. 2810, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WATER RATES,” was deferred until Tuesday, April 1, 2008.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM FRIDAY, MARCH 28, 2008

S.B. No. 1035, S.D. 1, H.D. 1 (Hse. Com. No. 402):

By unanimous consent, action on S.B. No. 1035, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MAKAHIKI DAY COMMEMORATION,” was deferred until Tuesday, April 1, 2008.

S.B. No. 2441, H.D. 1 (Hse. Com. No. 403):

By unanimous consent, action on S.B. No. 2441, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAYS,” was deferred until Tuesday, April 1, 2008.

S.B. No. 2849, S.D. 1, H.D. 1 (Hse. Com. No. 404):

By unanimous consent, action on S.B. No. 2849, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS,” was deferred until Tuesday, April 1, 2008.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM FRIDAY, MARCH 28, 2008

Stand. Com. Rep. No. 3214 (S.C.R. No. 114, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 114, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY GROUP TO RE-ENGINEER THE DEPARTMENT OF EDUCATION’S OFFICE OF HUMAN RESOURCES,” was adopted.

Stand. Com. Rep. No. 3215 (S.C.R. No. 115, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 115, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND

TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES," was adopted.

Stand. Com. Rep. No. 3216 (S.C.R. No. 192):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING KAUAI COMMUNITY COLLEGE TO WORK WITH THE KAUAI POLICE DEPARTMENT TO EXPLORE THE DEVELOPMENT OF AN ASSOCIATE OF SCIENCE DEGREE PROGRAM IN CRIMINAL JUSTICE," was adopted.

Stand. Com. Rep. No. 3217 (S.C.R. No. 79):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING TUBERCULOSIS SCREENING AND TREATMENT FOR RESIDENTS OF PUBLIC HOUSING AND EMERGENCY TRANSITIONAL SHELTER HOUSING," was adopted.

Stand. Com. Rep. No. 3218 (S.R. No. 44):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 44, entitled: "SENATE RESOLUTION REQUESTING TUBERCULOSIS SCREENING AND TREATMENT FOR RESIDENTS OF PUBLIC HOUSING AND EMERGENCY TRANSITIONAL SHELTER HOUSING," was adopted.

Stand. Com. Rep. No. 3219 (S.C.R. No. 231):

Senator Ige moved that Stand. Com. Rep. No. 3219 and S.C.R. No. 231 be adopted, seconded by Senator Whalen.

Senator Trimble rose to speak against the measure as follows:

"Madam President, I rise to cast a 'no' vote for S.C.R. No. 231. To merely ask the Department of Land and Natural Resources to study the problem at the Bureau of Conveyances I think is a rather anemic response. They came to this Legislature proposing specific actions. Those actions I think would go a long way to correcting the problem, and that is what we should have considered. Thank you."

The motion was put by the Chair and carried, the report of the majority of the Committee was adopted and S.C.R. No. 231, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN TO ASSIST THE BUREAU OF CONVEYANCES IN BECOMING A MORE EFFICIENT, EFFECTIVE, AND ACCOUNTABLE OPERATION, AND DEVELOP STRATEGIC INITIATIVES FOR THE BUREAU," was adopted with Senators Hemmings, Slom and Trimble voting "No."

THIRD READING

H.B. No. 2847, S.D. 1:

Senator English moved that H.B. No. 2847, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Gabbard.

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

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

"Colleagues, this bill would make it easier for somebody who's had their license revoked or suspended because of a

drunk driving conviction to get it back. It extends the number of things that the court would consider when giving back your driver's license. I think it's a wrong message at the wrong time.

"And let me tell you what some of the numbers are. In 2007, 49.1 percent of Hawai'i's fatalities were alcohol-related. In 2006, there were 6,729 DUI arrests in Hawai'i. In 2006, alcohol-related traffic fatalities in Hawai'i were 52 percent, and that was the highest rate in the nation.

"I think that we should, when we suspend somebody's license, we should let the penalty stand. We did not take the measure lightly. Drunk driving is still a major problem in Hawai'i. And to pass this measure would be to give a mixed signal in terms of what the intentions are of this Body. For those reasons, I'm voting against it. Thank you."

Senator Slom rose to speak in opposition as follows:

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

"You know, we talked about domestic violence and my complaint is that we just talk about it; we don't do anything. We talk about drunk driving, and we don't do anything about it. This bill is a case in point. The Mothers Against Drunk Driving were in strong opposition. There was no support for this bill. The only change, the only amendment made was that we have a defective date in it.

"The bill is defective itself. It's a bad bill. It sends the wrong message. We should defeat this bill now. Thank you."

The motion was put by the Chair and carried, H.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL LICENSE PERMITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Espero, Hemmings, Slom, Trimble). Excused, 2 (Hee, Sakamoto).

H.B. No. 2524, S.D. 1:

On motion by Senator English, seconded by Senator Inouye and carried, H.B. No. 2524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3224 (H.B. No. 2860, H.D. 2, S.D. 3):

Senator Baker moved that Stand. Com. Rep. No. 3224 be adopted and H.B. No. 2860, H.D. 2, S.D. 3, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition as follows:

"Madam President, I rise in opposition.

"Colleagues, this is the second time this Session I've gotten to speak against the bill. Exempting fuel used by airlines from intrastate commerce has nothing to do with the foreign trade zone. If you would consider that before you vote. The other thing is that we ought to treat all modes of transportation the same. It's not just an issue for airlines. It is an issue for all modes of transportation. If you want to do it for one, we should do it for all. Thank you, Madam President."

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

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

"Madam President, contrary to the previous speaker, this is a measure that levels the playing fields for our interisland carriers with those of mainland carriers. And actually if one looks at the

language in the Federal Aviation Act, we probably should not have been collecting excise tax on the interisland carriers because they've been defined in such a way as to make them exempt from the collection of such taxes. It's time that we tried to assist all of our interisland carriers because they are in a situation where the fuel taxes are making up an enormous part of their losses in this market, and they are very vital to our state. Therefore I'm urging all my colleagues to vote up on this measure."

Senator Trimble rose in rebuttal and said:

"Madam President, I rise in brief rebuttal.

"If the Department of Taxation agreed with the previous speaker, they would not be collecting the tax. They testified at the hearing that they believe case law is in their side of the court. The second thing is that foreign trade zones have nothing to do with intrastate commerce. Foreign trade zones were set up to allow the postponement of customs duty and federal excise tax until merchandise was entered into U.S. Customs territory. Again, using a domestic fuel on a domestic route has nothing to do with foreign trade zones."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3224 was adopted and H.B. No. 2860, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2662, H.D. 2, S.D. 2:

On motion by Senator Kokubun, seconded by Senator Chun Oakland and carried, H.B. No. 2662, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The President made the following committee assignments of House concurrent resolutions that were received on Tuesday, March 25, 2008; Thursday, March 27, 2008; and Friday, March 28, 2008:

House Concurrent Resolution Referred to:

H.C.R. No. 6, H.D. 1 Jointly to the Committee on Health and the Committee on Transportation and International Affairs

H.C.R. No. 19 Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs

H.C.R. No. 28 Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs

H.C.R. No. 66 Jointly to the Committee on Commerce, Consumer Protection and Affordable Housing and the Committee on Intergovernmental and Military Affairs

H.C.R. No. 87 Jointly to the Committee on Intergovernmental and Military Affairs and the Committee on Transportation and International Affairs

H.C.R. No. 91 Committee on Intergovernmental and Military Affairs

H.C.R. No. 106, H.D. 1 Jointly to the Committee on Public Safety and the Committee on Human Services and Public Housing

H.C.R. No. 114 Committee on Intergovernmental and Military Affairs

H.C.R. No. 120, H.D. 1 Committee on Commerce, Consumer Protection and Affordable Housing

H.C.R. No. 126, H.D. 1 Jointly to the Committee on Education and the Committee on Health

H.C.R. No. 160 Jointly to the Committee on Judiciary and Labor and the Committee on Intergovernmental and Military Affairs

H.C.R. No. 194 Committee on Intergovernmental and Military Affairs

RE-REFERRAL OF A HOUSE BILL

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

House Bill Referred to:

H.B. No. 1412, H.D. 1 Jointly to the Committee on Economic Development and Taxation and the Committee on Ways and Means

At 12:03 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:04 p.m.

Senator Fukunaga, Chair of the Committee on Economic Development and Taxation, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 1412.

Senator Fukunaga noted:

"Madam President, this bill is one that was sent to the Senate last year titled Relating to the Department of Taxation's Benefits Funded Revenue Generating Computer Initiatives. The purpose of the waiver is to allow the Joint Committees on Economic Development and Taxation to hold a hearing on this measure tomorrow."

The Chair granted the waiver.

ADJOURNMENT

At 12:05 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 1, 2008.