

FORTY-SIXTH DAY

Tuesday, April 8, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 10:09 a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Frank A. Lavoie, Office of the Honorable Sam Slom, Hawai'i State Senate, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 622 to 624) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 622, informing the Senate that on April 4, 2008, Lt. Gov. signed into law House Bill No. 2138 as Act 6, entitled: "RELATING TO CAREGIVER RECOGNITION DAY," was placed on file.

Gov. Msg. No. 623, informing the Senate that on April 4, 2008, Lt. Gov. signed into law House Bill No. 3080 as Act 7, entitled: "RELATING TO PROPERTY OF PUBLIC UTILITIES," was placed on file.

Gov. Msg. No. 624, advising the Senate of the withdrawal of the nomination of STEVETTE K. SANTIAGO to the Hawai'i Workforce Development Council, under Gov. Msg. No. 547, dated March 17, 2008, was placed on file.

In compliance with Gov. Msg. No. 624, the nomination listed under Gov. Msg. No. 547 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 496 to 515) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 496, informing the Senate that on April 4, 2008, the House disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 2301, H.D. 1 (S.D. 1);
H.B. No. 3085, H.D. 2 (S.D. 1); and
H.B. No. 3174, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 497, transmitting H.C.R. No. 72, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE A STATE AGENCY TO DEVELOP A STATEWIDE LAND USE STRATEGY TO MITIGATE POTENTIAL HAZARDS CAUSED BY CATASTROPHIC DISASTERS," was deferred.

Hse. Com. No. 498, transmitting H.C.R. No. 93, H.D. 1, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 93, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE STATEWIDE BLACK RIBBON AND BLACK ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was deferred.

Hse. Com. No. 499, transmitting H.C.R. No. 121, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING REAL ESTATE DEVELOPERS, DESIGNERS, AND ARCHITECTS IN HAWAII TO INCORPORATE UNIVERSAL DESIGN PRINCIPLES INTO THE DESIGN OF THEIR REAL ESTATE PROJECTS," was deferred.

Hse. Com. No. 500, transmitting H.C.R. No. 137, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE DEPARTMENT OF PUBLIC SAFETY TO MAINTAIN AND CLEAN THE KOREAN AND VIETNAM MEMORIAL ON THE GROUNDS OF THE HAWAII STATE CAPITOL," was deferred.

Hse. Com. No. 501, transmitting H.C.R. No. 254, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," was deferred.

Hse. Com. No. 502, transmitting H.C.R. No. 325, H.D. 1, which was adopted by the House of Representatives on April 4, 2008, was placed on file.

By unanimous consent, action on H.C.R. No. 325, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S NATURAL DISASTER PREPAREDNESS TRAINING CENTER TO WORK WITH THE JOINT LEGISLATIVE COMMITTEE ON FAMILY CARE GIVING, KUPUNA CAUCUS, AND OTHER INTERESTED ORGANIZATIONS AND PERSONS TO DEVELOP PROGRAMS EMPHASIZING AT-RISK COMMUNITIES," was deferred.

Hse. Com. No. 503, returning S.B. No. 45, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2008, was placed on file.

Hse. Com. No. 504, returning S.B. No. 2004, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2004, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Thursday, April 10, 2008.

Hse. Com. No. 505, returning S.B. No. 2054, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2054, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," was deferred until Thursday, April 10, 2008.

Hse. Com. No. 506, returning S.B. No. 2407, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2407, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

REAL ESTATE APPRAISALS,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 507, returning S.B. No. 2454, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2454, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 508, returning S.B. No. 2546, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2546, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OFFENDER REENTRY,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 509, returning S.B. No. 2730, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2730, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD PROTECTION,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 510, returning S.B. No. 2825, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2825, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 511, returning S.B. No. 2826, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2826, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 512, returning S.B. No. 2867, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2867, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 513, returning S.B. No. 2886, S.D. 1, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 2886, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHILD ABANDONMENT,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 514, returning S.B. No. 3069, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 3069, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH OR TO CUSTODY OF DIRECTOR OF HEALTH,” was deferred until Thursday, April 10, 2008.

Hse. Com. No. 515, returning S.B. No. 3137, S.D. 2, which passed Third Reading in the House of Representatives on April 4, 2008, in the amended form, was placed on file.

By unanimous consent, action on S.B. No. 3137, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR AKULE FISH MONITORING,” was deferred until Thursday, April 10, 2008.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3465) recommending that S.C.R. No. 118, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3465 and S.C.R. No. 118, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING STATUS REPORTS ON CURRENT UTILIZATION OF FUNDS AND PLANS TO CLEARLY DEMONSTRATE HOW FUNDING IS BEING TARGETED TO IMPROVE STUDENT ACHIEVEMENT AS WELL AS A COMPARISON OF HAWAII’S UTILIZATION TO OTHER STATES,” was deferred until Thursday, April 10, 2008.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3466) recommending that S.C.R. No. 126 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3466 and S.C.R. No. 126, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A GLOBAL WARMING TASK FORCE TO ASSESS THE IMPACTS OF GLOBAL WARMING ON THE STATE,” was deferred until Thursday, April 10, 2008.

Senator Menor, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 3467) recommending that S.R. No. 65 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3467 and S.R. No. 65, entitled: “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH A GLOBAL WARMING TASK FORCE TO ASSESS THE IMPACTS OF GLOBAL WARMING ON THE STATE,” was deferred until Thursday, April 10, 2008.

Senators Menor and Sakamoto, for the Committee on Energy and Environment and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3468) recommending that S.C.R. No. 230 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3468 and S.C.R. No. 230, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO EVALUATE RECYCLING OPTIONS AVAILABLE TO SCHOOLS, INCLUDING A FEASIBILITY REPORT RELATED TO THE ESTABLISHMENT OF A SCHOOL RECYCLING PROGRAM IN THE STATE,” was deferred until Thursday, April 10, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3469) recommending that S.C.R. No. 161, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3469 and S.C.R. No. 161, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO IMPLEMENT A STATEWIDE RAINWATER DETENTION AND RETENTION POND SAFETY PROGRAM,” was deferred until Thursday, April 10, 2008.

Senators Ige and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3470) recommending that S.R. No. 14, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3470 and S.R. No. 14, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS THE ADVANTAGES AND DISADVANTAGES OF REQUIRING CERVICAL CANCER VACCINATIONS FOR GIRLS BEFORE THEY ENTER THE SEVENTH GRADE," was deferred until Thursday, April 10, 2008.

Senators Ige and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3471) recommending that S.C.R. No. 20, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3471 and S.C.R. No. 20, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS THE ADVANTAGES AND DISADVANTAGES OF REQUIRING CERVICAL CANCER VACCINATIONS FOR GIRLS BEFORE THEY ENTER THE SEVENTH GRADE," was deferred until Thursday, April 10, 2008.

Senators Chun Oakland and Sakamoto, for the Committee on Human Services and Public Housing and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3472) recommending that S.R. No. 116, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3472 and S.R. No. 116, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE WILLIAM S. RICHARDSON SCHOOL OF LAW TO FACILITATE A DISCUSSION TO ADDRESS THE IMPACT OF TYPE II ADULT RESIDENTIAL CARE HOME FACILITIES ON RESIDENTIAL NEIGHBORHOODS," was deferred until Thursday, April 10, 2008.

Senators Chun Oakland and Sakamoto, for the Committee on Human Services and Public Housing and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3473) recommending that S.C.R. No. 202, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3473 and S.C.R. No. 202, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE WILLIAM S. RICHARDSON SCHOOL OF LAW TO FACILITATE A DISCUSSION TO ADDRESS THE IMPACT OF TYPE II ADULT RESIDENTIAL CARE HOME FACILITIES ON RESIDENTIAL NEIGHBORHOODS," was deferred until Thursday, April 10, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3474) recommending that S.C.R. No. 17, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3474 and S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND ADOPT ADMINISTRATIVE RULES REGARDING THE CREATION AND ENFORCEMENT OF LIMITS FOR THE COLLECTION OF ORNAMENTAL REEF FISH AND URGING THE ESTABLISHMENT OF FISH REPLENISHMENT AREAS FOR THE WATERS OF OAHU AND MAUI TO REGULATE THE COLLECTION OF ORNAMENTAL, NON-CONSUMPTIVE FISH ONLY," was deferred until Thursday, April 10, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3475) recommending that S.R. No. 11, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3475 and S.R. No. 11, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEVELOP AND ADOPT ADMINISTRATIVE RULES REGARDING THE CREATION AND ENFORCEMENT OF LIMITS FOR THE COLLECTION OF ORNAMENTAL REEF FISH AND URGING THE ESTABLISHMENT OF FISH REPLENISHMENT AREAS FOR THE WATERS OF OAHU AND MAUI TO REGULATE THE COLLECTION OF ORNAMENTAL, NON-CONSUMPTIVE FISH ONLY," was deferred until Thursday, April 10, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3476) recommending that S.C.R. No. 147, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3476 and S.C.R. No. 147, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGULARLY CONSULT WITH HO'OLAULIMA IA KAWAINUI TO COORDINATE EFFORTS TO PROTECT, CONSERVE, AND RESTORE THE NATURAL, CULTURAL, AND SCENIC RESOURCES OF THE KAWAINUI/HAMAKUA MARSH COMPLEX AND RELATED WATERWAYS," was deferred until Thursday, April 10, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3477) recommending that S.R. No. 79, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3477 and S.R. No. 79, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REGULARLY CONSULT WITH HO'OLAULIMA IA KAWAINUI TO COORDINATE EFFORTS TO PROTECT, CONSERVE, AND RESTORE THE NATURAL, CULTURAL, AND SCENIC RESOURCES OF THE KAWAINUI/HAMAKUA MARSH COMPLEX AND RELATED WATERWAYS," was deferred until Thursday, April 10, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3478) recommending that the Senate advise and consent to the nomination of THOMAS S. VENDETTA to the Hoisting Machine Operators Advisory Board, in accordance with Gov. Msg. No. 308.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3478 and Gov. Msg. No. 308 was deferred until Thursday, April 10, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3479) recommending that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

LILLIAN GONZALES BROWN, in accordance with Gov. Msg. No. 350;

LOUISE R. HORIO, in accordance with Gov. Msg. No. 351;

MARGARET LEVY-DOHANOS CAN, in accordance with Gov. Msg. No. 352; and

SANDRA K. MEEHAN, in accordance with Gov. Msg. No. 353.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3479 and Gov. Msg. Nos. 350, 351, 352 and 353 was deferred until Thursday, April 10, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3480) recommending that the Senate advise and consent to the nomination of LARRY M. LITTLETON to the State Rehabilitation Council, in accordance with Gov. Msg. No. 355.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3480 and Gov. Msg. No. 355 was deferred until Thursday, April 10, 2008.

Senators Sakamoto, Tokuda, Fukunaga and Hee, for the Committee on Education, the Committee on Agriculture and Hawaiian Affairs, the Committee on Economic Development and Taxation and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 3481) recommending that S.C.R. No. 235, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3481 and S.C.R. No. 235, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII AT MANOA EXPAND UPON A MASTER OF ARTS PROGRAM IN APPLIED ARCHAEOLOGY, THAT THE UNIVERSITY OF HAWAII AT HILO ESTABLISH A GRADUATE PROGRAM IN CULTURAL RESOURCES MANAGEMENT, AND THAT THE STATE HISTORICAL PRESERVATION DIVISION REVIVE ITS ARCHAEOLOGICAL WORKING GROUP," was deferred until Thursday, April 10, 2008.

Senators Sakamoto, Tokuda, Fukunaga and Hee, for the Committee on Education, the Committee on Agriculture and Hawaiian Affairs, the Committee on Economic Development and Taxation and the Committee on Water and Land, presented a joint report (Stand. Com. Rep. No. 3482) recommending that S.R. No. 138, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3482 and S.R. No. 138, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII AT MANOA EXPAND UPON A MASTER OF ARTS PROGRAM IN APPLIED ARCHAEOLOGY, THAT THE UNIVERSITY OF HAWAII AT HILO ESTABLISH A GRADUATE PROGRAM IN CULTURAL RESOURCES MANAGEMENT, AND THAT THE STATE HISTORICAL PRESERVATION DIVISION REVIVE ITS ARCHAEOLOGICAL WORKING GROUP," was deferred until Thursday, April 10, 2008.

Senators Chun Oakland and Kokubun, for the Committee on Human Services and Public Housing and the Committee on Commerce, Consumer Protection and Affordable Housing, presented a joint report (Stand. Com. Rep. No. 3483) recommending that S.C.R. No. 152, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3483 and S.C.R. No. 152, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A WORKING GROUP TO CREATE REDEVELOPMENT MASTER PLANS FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES," was deferred until Thursday, April 10, 2008.

Senators Chun Oakland and Kokubun, for the Committee on Human Services and Public Housing and the Committee on Commerce, Consumer Protection and Affordable Housing, presented a joint report (Stand. Com. Rep. No. 3484)

recommending that S.R. No. 82, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3484 and S.R. No. 82, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING AUTHORITY AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION TO CONVENE A WORKING GROUP TO CREATE REDEVELOPMENT MASTER PLANS FOR KUKUI GARDENS AND MAYOR WRIGHT HOMES," was deferred until Thursday, April 10, 2008.

Senators Ige and Chun Oakland, for the Committee on Health and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 3485) recommending that H.C.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3485 and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO CONTINUE ITS EFFORTS TO DEVELOP SOLUTIONS TO THE PROBLEM OF PATIENTS IN HOSPITALS WHO ARE WAITLISTED FOR LONG-TERM CARE," was deferred until Thursday, April 10, 2008.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 3486) recommending that S.C.R. No. 93, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3486 and S.C.R. No. 93, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION URGING THE STATE BUILDING CODE COUNCIL TO ADOPT EXPEDITIOUSLY PROVISIONS IN THE INTERNATIONAL BUILDING CODE, 2006 EDITION, RELATING TO PHYSICAL ASSISTANCE IN EVACUATION FOR RESIDENTS IN ASSISTED LIVING FACILITIES OR SIMILAR FACILITIES," was deferred until Thursday, April 10, 2008.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 3487) recommending that S.R. No. 53, S.D. 1, as amended in S.D. 2, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3487 and S.R. No. 53, S.D. 2, entitled: "SENATE RESOLUTION URGING THE STATE BUILDING CODE COUNCIL TO ADOPT EXPEDITIOUSLY PROVISIONS IN THE INTERNATIONAL BUILDING CODE, 2006 EDITION, RELATING TO PHYSICAL ASSISTANCE IN EVACUATION FOR RESIDENTS IN ASSISTED LIVING FACILITIES OR SIMILAR FACILITIES," was deferred until Thursday, April 10, 2008.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM FRIDAY, APRIL 4, 2008

At 10:18 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:18 a.m.

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

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2849, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2141 (H.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2141, and S.B. No. 2141, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was placed on the calendar for Final Reading on Thursday, April 10, 2008.

S.B. No. 1617, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1617, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1793, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1793, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2080, S.D. 2 (H.D. 2):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2080, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2082, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2082, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2088, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2088, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2163, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2163, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2169, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2169, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2191, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2191, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2301, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2301, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2315, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2315, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2345, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2345, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2373, S.D. 1 (H.D. 2):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2373, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2436, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2436, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2456, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2456, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2459, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2459, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2493 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2493, and requested a conference on the subject matter thereof.

S.B. No. 2579, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2579, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2583, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2583, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2780, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2780, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2783, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2783, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2784, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2784, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2824, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2824, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 2882, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2882, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2895, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2895, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2891, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2891, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2977, S.D. 1 (H.D. 2):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2977, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3051, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3051, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3061 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3061, and requested a conference on the subject matter thereof.

S.B. No. 3087, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3087, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3182, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3182, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3200, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3200, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 3227, S.D. 2 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3227, S.D. 2, and requested a conference on the subject matter thereof.

S.B. No. 3258, S.D. 3 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by

the House to S.B. No. 3258, S.D. 3, and requested a conference on the subject matter thereof.

THIRD READING

H.B. No. 2500, H.D. 1, S.D. 1:

Senator Baker moved that H.B. No. 2500, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“Colleagues, before I highlight some of the important provisions in the bill itself, I’d like to acknowledge some of the people who were instrumental in developing the Senate’s adjustment to the executive supplemental budget. First, I’d like to personally thank my colleagues on the Senate Ways and Means Committee. After a busy interim of inspecting projects and programs throughout the State, your Committee began its formal review of the Administration’s proposed supplemental budget immediately after New Year’s, and has worked tirelessly since then. Mahalo to all the WAM members for giving of your time and sharing your wisdom with me. In particular, I want to thank the Committee Vice Chair, who developed the CIP portion of the budget and provided invaluable advice (and good humor) on other matters before the Committee.

“Second, I’d like to thank you, Madam President, and the Senate subject matter committee chairs for sharing your perspectives and priorities with the Ways and Means Committee. Your assistance and understanding is greatly appreciated.

“Finally, I’d like to send a heartfelt mahalo to my talented and extremely hardworking staff. Those footsteps and creaking doors you hear late at night are most likely from the WAM staff—budget analysts and researchers alike. Most of them have joined us in the gallery this morning, and with your permission, Madam President, I’d like to ask them to stand and be recognized as I call their names.

“First on the budget side, our very dedicated and talented Budget Chief Aaron Nyuha and his analysts Jenae Barona, Stephanie Fake, Chris Fang, (stand up, stand up you guys!) Alison Kato, Jon Pangilinan, and Caroline Van Ness; and CIP Specialist Alan Sarhan.

“On the bills side, an equally talented group of folks headed up by Bills Chief Jennifer Chow and researchers Eric Arquero, Steve Beaudry, Jamie Fumo, and Max Kopper, assisted by excellent clerks Lisa Espero and Tiffnie Kiyota. And my personal legislative staff: Tiffany Chill, Ann Freed, and Daniel Sutcharitkul; and our very able Chief of Staff and Committee Clerk who keeps all of us on track, Gordon Arakaki. Thank you all very much.

“Madam President, there’s one more set of acknowledgements that I’d like to make before discussing H.B. No. 2500, S.D.1. Ways and Means is one of two paperless project committees this session. New processes and procedures, with the aid of technology, have enhanced the work of our Committee and provided greater information and access for the public. Being paperless has allowed our staff to pay attention to important substantive analysis, not hearing folder preparation and production and assorted clerical tasks. I believe the paperless initiative will continue to reap benefits for the Senate, and I want to especially thank some folks for their help in this regard. First, Jennifer Chow for her leadership on behalf of the WAM committee; Sen. David Ige, for his overall leadership and project management; the Vice-President, Donna Kim, for authorizing much needed technology and equipment upgrades;

you and your staff, Madam President; the Senate Clerk and her staff; and most importantly, the Data Systems staff—in particular, Jon, Darryl, Lisa, Jean, Mark and Brent—for making the learning curve manageable and for working with us to solve all the large and small problems that arise when any system change of this magnitude is undertaken.

“Colleagues, would you join me in thanking and acknowledging our staff and colleagues for their efforts and support of this initiative.

“And now to the bill at hand, Madam President. I request an expanded version of my remarks be entered into the Journal because I want to just cover the highlights now.”

The Chair having so ordered, Senator Baker continued:

“As you know, the Executive Branch budget is the fundamental policy document of the State of Hawai‘i. Last session, we sought to lay the groundwork for the creation of a sustainable Hawai‘i, with strong families and communities, a healthy economy and environment, and a literate and competent workforce able to compete in the global marketplace as our guiding principles. At that time, your Committee was acutely aware that Hawai‘i’s strong economic growth of the mid-2000’s had begun to cool, and took a cautious approach in crafting the biennial budget. As events since then have shown, your Committee was right to do that.

“Since the end of the last legislative session, the Council on Revenues has lowered its forecast of general fund tax revenues three times. Based on the Council’s forecasts between March 2007 and March 2008, for FY07 through FY09 combined, the budget has to account for a \$487 million shortfall in actual and projected general fund revenues. In other words, between last year and this year, the State has nearly half-a-billion dollars less in general fund revenues to consider in its spending plan as it seeks to balance the many worthy interests vying for State resources. Although the Council on Revenues latest revenue projection indicates modest growth, the truth is that inflation is eating up most of that growth. The latest quarterly report from DBEDT notes that the Honolulu Consumer Price Index is expected to rise 4.0% in 2008. So Hawai‘i’s real, inflation-adjusted growth projection is essentially zero for this fiscal year.

“The effects of inflation are seen throughout the Executive supplemental budget and in several emergency appropriation bills submitted by the Governor, with requests for funding to cover increased costs of energy, food, health care, repair and maintenance, and the like.

“And there are other signs too. Mortgage delinquencies are up with no indication of slowing in sight. And, in the past few weeks, we’ve seen several major employers close their doors. Molokai Ranch announced the shut down of its operations laying off about 130 workers, and Aloha Airlines announced the shut down of its passenger service after 61 years of operation in Hawai‘i, with the loss of over 1,900 jobs and then another 150 when ATA ceased operations. Clearly, these are unsettled economic times. Hawai‘i’s economy has slowed substantially, and the State’s budget must account for and reflect the economic slowdown.

“With substantially lower than projected general fund revenues on hand, your Committee sought to preserve and ensure essential health and safety funding in this supplemental year. Your Committee also sought to preserve funding for critical education, workforce, and economic stimulus initiatives in this budget and in the bills to come.

“Regardless, it was still necessary to make reductions to the Administration’s supplemental budget request, and your Committee did this through a combination of denying requests,

making vacancy adjustments, and reducing departments’ general fund non-fixed cost, so-called ‘discretionary’ budget appropriations ranging from 2.5 to 5%, depending on a department’s ability to absorb the reduction.

“Madam President, your Committee, too, made a few modest additions to the supplemental request in order to call attention to important health, housing, and environmental concerns in our state. But paring back spending to previous spending levels is never easy. Some of you may have received e-mail from nonprofits concerned about ‘cut backs’ in TANF spending. However, your Committee is concerned about the unsustainable spending rate proposed by the Department of Human Services. Their expenditure plan proposed for FY09 would spend all of the \$98.9 million in the TANF block grant and \$40 million of the cash reserve. At that rate of spending, by 2010 the TANF cash reserve would be gone, replaced by an \$18.5 million deficit. Therefore, your Committee proposes to adopt a more prudent approach which does adjust spending, but provides for essential programs and services and preserves an adequate cash reserve of \$44 million in fiscal year 2009 which is equal to one year’s worth of cash assistance payments. In these uncertain times, your Committee does not believe it is prudent to spend down federal funds in the hopes of replacing their shortfall with state general funds in the future.

“The S.D. 1 also provides for a modest amount of funding for grants-in-aid—\$4.3 million, which is less than 10% of the amount requested for operating assistance, and \$9.8 million in CIP grants-in-aid, or about 8% of the amount requested. Madam President and colleagues, the vast majority of GIA requests came from worthy organizations with a sincere need of support to sustain valuable programs for their constituents and our community. Unfortunately, given the fiscal situation, your committee’s recommendations were constrained.

“The final portion of the budget addresses our physical infrastructure. Madam President, your Committee approached capital investment with regard for the fiscal uncertainty of these unsettled times, but acknowledged the role such investment can play to blunt that impact in coming years. While some would cut back on public investment when economic projections turn down, your Committee finds that such times require sustained investment in our education, transportation and health infrastructure that are vitally important to regaining sustained fiscal growth and are also for projects that are much needed and long overdue. Capital investment should be the engine of recovery rather than the casualty of a downturn.

“To that end, your Committee appropriated a total of \$1.6 billion in General Obligation and GO Reimbursable bonds over the biennium. This includes CIP funding for Kukui Gardens, UH, DOE, and hospital improvements, as well as additional deposits for rental and affordable housing funds. Also, your Committee addressed several important items not included by the Administration: funding to replace cesspools in our public schools so we don’t face EPA fines; upgrades for health facilities—mostly hospitals; and additional sums for school building improvements and UH facilities, which we all observed were in need of repair.

“In the final analysis, given the substantially lower than projected general fund growth for FY08, your Committee has crafted a prudent, responsible and sustainable supplemental budget. This budget does not create false impressions and should not give rise to false expectations. In total, for all sources of funding, this supplemental budget appropriates \$10.8 billion in FY09. In general funds alone, the budget appropriates \$5.3 million for FY09. Compared with the budget request submitted by the Governor in December 2007, as adjusted by her various [Governor’s] Messages throughout this legislative session, the budget represents a decrease of \$32.4 million in FY09 in general fund appropriations.

“Madam President and colleagues, as we head into Conference on the H.B. No. 2500, the executive supplemental budget bill; we will continue to refine it to reflect the shared goals, principles, and priorities of our special island community. I respectfully ask my colleagues to continue to support your Committee on Ways and Means through the remaining weeks of this Session, and to vote favorably on this measure. Mahalo.”

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

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

“Colleagues, before I highlight some of the important provisions in the bill itself, I would like to acknowledge some of the people who were instrumental in developing the Senate’s adjustments to the executive supplemental budget.

“First, I’d like to personally thank my colleagues on the Senate Ways and Means Committee. After a busy interim of inspecting projects and programs throughout the state, your Committee began its formal review of the Administration’s proposed supplemental budget immediately after New Year’s and has worked tirelessly since then. Mahalo to the all the WAM members for giving of your time and sharing your wisdom with me. In particular, I want to thank the Committee Vice Chair, who developed the CIP portion of the budget and provided invaluable advice (and good humor) on other matters before the Committee.

“Second, I’d like to thank you, Madame President, and the Senate subject matter Committee Chairs for sharing your perspectives and priorities with the Ways and Means Committee. Your assistance and understanding is greatly appreciated.

“Finally, I’d like to send a heartfelt mahalo to my talented and extremely hardworking staff. Those footsteps and creaking doors you hear late at night are most likely from the WAM staff—budget analysts and researchers alike. Most of them have joined us in the gallery this morning, and with your permission, Madame President, I would like to ask them to stand and be recognized as I call their names.

“First on the budget side, our very dedicated and talented Budget Chief Aaron Nyuha and his analysts Jenae Barona, Stephanie Fake, Chris Fang, Alison Kato, Jon Pangilinan, Caroline Van Ness; and our CIP Specialist Alan Sarhan.

“On the bills side, our equally talented Bills Chief Jennifer Chow and researchers Eric Arquero, Steve Beaudry, Jamie Fumo, and Max Kopper.

“They are ably assisted by WAM clerks Lisa Espero and Tiffinie Kiyota. I also want to recognize my hardworking legislative aides Tiffany Chill, Ann Freed, and Daniel Sutcharitkul; and lastly the Committee’s capable Chief of Staff/Committee Clerk Gordon Arakaki, who keeps us all on track.

“There’s one more set of acknowledgements I’d like to make before discussing HB 2500, SD1. Ways and Means is one of two paperless project committees this session. New processes and procedures, with the aid of technology, have enhanced the work of our committee and provided greater information and access for the public. Being paperless has allowed our staff to pay attention to important substantive analysis, rather than hearing folder production and assorted clerical tasks. I believe the paperless project will continue to reap benefits for the Senate and I want to especially thank Jennifer Chow for her leadership on behalf of our committee, Sen. David Ige for his overall leadership and project management, Vice-President Donna Kim for authorizing much needed technology and

equipment upgrades, you and your staff, Madame President, the Senate Clerk and her staff and most importantly the Data Systems staff in particular, Jon, Darryl, Lisa, Jean, Mark and Brent for making the learning curve manageable and working with us to solve all the small and large problems that arise when any system change of this magnitude is undertaken. Colleagues, would you join me in thanking and acknowledging our staff and colleagues for their efforts and support of this initiative?

“And now to the bill at hand, Madame President, I request an expanded version of my remarks be entered into the Journal. I want to just cover the highlights now.

“As you know, the Executive Branch budget is the fundamental policy document of the State of Hawai‘i. Last session, we sought to lay the groundwork for the creation of a sustainable Hawai‘i, with strong families and communities, a healthy economy and environment, and a literate and competent workforce able to compete in the global marketplace as our guiding principles. At that time, your Committee was acutely aware that Hawaii’s strong economic growth of the mid-2000’s had begun to cool, and took a cautious approach in crafting the biennial budget. As events since then have shown, your Committee was right to do so.

“Since the end of the last legislative session, the Council on Revenues has lowered its forecast of general fund tax revenues three times. Based on the Council’s forecasts between March 2007¹ and March 2008, for FY07 through FY09, combined, the budget has to account for a **\$487 million** shortfall in actual and projected general fund revenues. In other words, between last year and this year, the State has nearly **half-a-billion** dollars less in general fund revenues to consider in its spending plan as it seeks to balance the many worthy interests vying for State resources.

“Although the Council on Revenues latest revenue projection indicates modest growth, the truth is that inflation is eating up most of that growth. The latest quarterly report from DBEDT notes that the Honolulu Consumer Price Index is expected to rise 4.0% in 2008. So, Hawaii’s real, inflation-adjusted growth projection is essentially zero for the fiscal year 2008.

“The effects of inflation are seen throughout the Executive supplemental budget and in several emergency appropriation bills submitted by the Governor. Several departments are requesting supplemental funds to cover increased costs for energy, food, health care services, repair and maintenance, and other necessary goods and services.

“There are other signs too. Mortgage delinquencies are up with no indication of slowing. And, in the past few weeks, we’ve seen several major employers close their doors. Molokai Ranch announced the shut down of its operations laying off 130 workers, and Aloha Airlines announced the shut down of its passenger service after 61 years of operation in Hawai‘i the loss of over 1900 jobs and another 150 when ATA ceased operations.

“Clearly, these are unsettled economic times. Hawaii’s economy has slowed substantially, and the State’s budget must account for and reflect the economic slowdown.

“With substantially lower than projected general fund revenues on hand, your Committee sought to preserve and ensure essential health and safety funding in this supplemental budget. Your Committee also sought to preserve funding for **critical education, workforce, and economic stimulus** initiatives in this budget and in bills to come.

“Regardless, it is still necessary to make reductions to the Administration’s supplemental budget request, and your Committee did this through a combination of denying requests,

¹ the basis for the balanced budget passed by the Legislature last year

vacancy adjustments, and reduction of departments' general fund non-fixed cost 'discretionary' budget appropriations ranging from 2.5 to 5% depending on a department's ability to absorb the reduction.

"With regard to vacancy adjustments, your Committee:

- Considered positions that have been vacant since June 30, 2007, or longer;
- Did not eliminate any position counts, unless those position counts were trade-offs for new positions as your Committee believes this approach will soften the reductions imposed on departments and allow departments to activate and then fill those positions when economic times are better; and
- Did not take funds from positions filled with 89-day hires.
- Madame President, your Committee also made a few modest additions to the supplemental request in order to call attention to important health, housing and environmental concerns in our State. These include:
 - \$5 million for hospitals of the Hawaii Health Systems Corporation;
 - \$1.6 million for Weighted Student Formula;
 - \$1.2 million for Compacts of Free Association and Employment Core Services clients;
 - \$600,000 and 2 Homeless Concerns Resource Teachers;
 - \$400,000 for coqui frog eradication and control, continuing with half of what was provided last year;
 - \$100,000 for additional community-based HIV/AIDS services;
 - \$65,000 in special funds for the Economic Cadre Program;
 - \$19,000 to augment funding for Civil Air Patrol services;
 - Restoring positions at UH-Hilo for Mauna Kea Rangers; and
 - Providing clinical psychologists for UH campuses as well as critical safety and security measures requested in the Administration's budget submittal.

"The Senate Draft 1 also provides for a modest amount of funding for grants-in-aid, \$4.3 million which is less than 10% of the amount requested for operating assistance, and \$9.8 million in CIP grants-in-aid or about 8% of the amount requested. The vast majority of GIA requests came from worthy organizations with a sincere need of support to sustain valuable programs for their constituents and our community. Unfortunately, given the fiscal situation, your committee's recommendations were constrained.

"Unfortunately, these modest additions are overshadowed by the cutbacks your Committee was required to make. Paring back previous spending levels is never easy. Some of you may have received e-mail from nonprofits concerned about "cut backs" in TANF spending. However, your Committee is concerned about the unsustainable spending rate proposed by the Department of Human Services. Their expenditure plan proposed for FY09 would spend all of the \$98.9 million in the TANF block grant and \$40 million of the cash reserve. At that rate of spending, by 2010 the TANF cash reserve would be gone, replaced by an \$18.5 million deficit. Therefore, your Committee proposes to adopt a more prudent approach which adjusts spending, provides for essential programs and services and preserves an adequate cash reserve of \$44 million in fiscal year 2009 which is equal to one year's worth of cash assistance payments. In these uncertain times, your Committee does not believe it is prudent to spend down federal funds in the hopes of replacing their shortfall with state general funds in the future.

Your Committee's TANF spending plan includes some reductions:

- \$9.8 million in purchase of service (POS) contracts for reducing out-of-wedlock pregnancies and encouraging the formation and maintenance of two-parent families;
- \$4 million for POS contracts for child welfare;
- \$5.6 million in uncommitted funds to the Department; and
- \$7 million for work and work support programs.

In your Committee's spending plan these important programs are continued:

- \$19 million is still provided for work and work support programs;
- \$3 million is still provided for Enhanced Healthy Start on all islands (child welfare); and
- \$2.8 million is still provided for Uniting Peer Learning and Integrating New Knowledge (UPLINK), a highly effective positive youth development program for middle school students.
- Other TANF funds are allotted to address after school hours programs for youth in various programs, work support programs, and family strengthening programs offered by various nonprofit organizations.

"As a transition to a more prudent approach to TANF expenditures, especially in light of our current economic climate when TANF reserves may be needed for cash assistance, your Committee is spending \$17 million from the TANF reserve fund for those additional services. Unlike the Administration's plan, your Committee's approach will leave the TANF reserve with \$44 million in fiscal year 2008-2009 or one year's worth of cash assistance payments.

"The final portion of the budget addresses our physical infrastructure. Madame President, your Committee approached capital investment with regard to the fiscal uncertainty of these unsettled times, but acknowledged the role such investment can play to blunt that impact in coming years. While some would cut back on public investment when economic projections turn down, your Committee finds that such times require sustained investment in our education, transportation and health infrastructure that are vitally important to regaining sustained fiscal growth and are much needed or overdue projects. **Capital investment should be the engine of recovery rather than a casualty of the downturn.**

"To that end, your Committee appropriated a total of \$1.6 billion in General Obligation and GO Reimbursable bonds over the biennium. This includes CIP funding for Kukui gardens, UH, DOE, and hospital improvements, as well as deposits for affordable housing funds – the Dwelling Unit Revolving Fund and the Rental Housing Trust Fund.

"Your Committee's additions (\$130 million) over the Administration's budget include:

- \$49 million for cesspools in our public schools so we don't face EPA fines;
- \$30 million for health facilities (mostly hospitals);
- \$55 million school building improvements; and
- \$18 million for UH system facilities

"As mentioned earlier, the total amount appropriated for CIP grants-in-aid is \$9.8 million (or 8% of the \$110 million requested).

"Finally, Madame President, given substantially lower than projected general fund growth for FY08, your Committee has crafted an **honest, responsible** and **sustainable** supplemental budget. This budget does **not create false impressions**, and should **not give rise to false expectations**.

"In total (all sources of funding), this supplemental budget appropriates **\$10.8 billion**¹ in FY09. Specifically regarding general fund appropriations, this budget appropriates **\$5.3 billion**² in FY09. Compared with the budget request submitted by the Governor in December 2007, as adjusted by Governor's Messages throughout this legislative session, this budget represents a decrease of **\$32.4 million**³ in FY09 in general fund appropriations.

"Madame President, as we head into Conference on the Executive Branch supplemental budget, we will continue to refine the budget to reflect the shared goals, principles, and priorities of our **special community of islands**. I respectfully ask my colleagues to continue to support your Committee on Ways and Means through the remaining weeks of this Session, and to vote favorably on this measure. Mahalo."

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

"Madam President, it's always difficult to rise and oppose a budget because a budget has so many things. But I rise in opposition to this budget.

"First, I do thank the Chair of the Ways and Means Committee, certainly the Committee and the staff for their hard work. It's not an easy effort to produce a budget or a supplement year after year. And certainly we have difficult times and challenges, many of which as the Chair expressed we did anticipate and should have anticipated last year. And I think we can all be certain that we're going to have additional challenges in the future.

"My problem is that any way you cut it, this is an increase. And it is an increase in a budget at a time when businesses, particularly small businesses, have had to cut back, when individuals have had to cut back, when families have had to cut back. And when we talk about investment, certainly we are a capital-short investment economy; we need new investment; we need more outside investment; but we need new money. We don't need money that is generated by a government which generates that money primarily from a high tax burden. We can also look at many of the other bills that we are going to be discussing today which will add even more millions to the cost of operating this government. And while the Senate has gone paperless and there has been in an effort to change some of the things that we've done, even the cost of the Legislature and its agencies continues to rise. At a time when we wonder why people are struggling so much, why our homelessness increases, why people shut down their businesses, why people move away—the one thing that they can't escape are the taxes, the fees, the regulations, the mandates that are imposed by this Legislature.

"Investment should come from the private sector. Investment should come because of a healthy, robust and helpful business climate. By any means, by any test, this economy is neither of those things. That is why in part we have had the number of systemic shocks in recent weeks to our economy, and more can be expected. So while the Committee can be congratulated on paring some of the expenditures and making changes from what the Governor had proposed, we really play a game every year of selective support for certain agencies and certain individuals and certain programs. And we need to send the message that if in fact we are in difficult times and expect even more of a slowdown, then we should be the first to indicate to everyone that we are willing and able and have the political will to make the reductions to show that this really is a serious impact and that it's going to continue to affect, most importantly, our individuals, families and small businesses. Thank you, Madam President."

² \$10,773,646,661

³ \$5,325,468,704

⁴ \$32,447,614

The motion was put by the Chair and carried, H.B. No. 2500, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2699, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 2699, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2729, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 2729, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURGLARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3339 (H.B. No. 2139, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3339 was adopted and H.B. No. 2139, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3340 (H.B. No. 2224, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3340 was adopted and H.B. No. 2224, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3341 (H.B. No. 2436, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3341 was adopted and H.B. No. 2436, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3343 (H.B. No. 94, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3343 was adopted and H.B. No. 94, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3345 (H.B. No. 2415, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3345 be adopted and H.B. No. 2415, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Fukunaga rose to speak in support of the measure and stated:

“Yes, I have comments in support of H.B. No. 2415 located on page 21 of the Order of the Day to have them inserted.”

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

“I rise to speak in favor of H.B. 2415, S.D. 2 and to provide some background to the amendments made by the Senate during subject matter committee deliberations on the measure. Part of H.B. 2415 clarifies the awards procedures for federal small business innovation research grants (SBIR) or federal small business technology transfer program grants (STTR). For well over a decade, High Technology Development Corporation (HTDC) has done an excellent job of assisting small tech businesses grow through the use of these two federal grant programs, leveraged with state matching funds.

“With respect to Part II of this measure, the Senate’s Economic Development and Taxation Committee discovered a range of HTDC actions in the course of its 2008 budget review that I believe are outside the scope of HTDC’s primary mission, and conflict with legislative initiatives adopted in 2007. As such, the proposal to repeal part IV of chapter 206M, Hawaii Revised Statutes, the statutory framework of the High Technology Innovation Corporation (HTIC), is designed to address numerous budget questions.

“Act 255, Session Laws of Hawaii 2006, appropriated \$400,000 for fiscal year 2007 for the HTDC to establish an international business and technology incubator program with Hawaii and China technology businesses. Through a contract between HTIC and HTDC, it appears that most of the appropriation (specifically, \$342,800) is now under the control of HTIC although actual progress in establishing an international business-tech incubator program between HTDC and three tech incubator parks in China is minimal at best. From the State accounting system’s perspective, the current contract arrangement appears to shield these funds from direct budgeting and accounting scrutiny by state agencies other than HTDC and DBEDT.

“HTDC also testified before the Senate Economic Development and Taxation Committee that HTIC currently manages a contract for HTDC that includes a \$500,000 STEM grant from the National Governors’ Association (NGA). Yet when questioned by your Committee, HTDC responded that HTIC has no staff and is served by volunteers. Who is performing the work required by the contract? And who is the project accountable to?

“From an accountability standpoint, I believe that any non-governmental grants for STEM-related workforce projects should be managed either by DBEDT – which was assigned by the administration to implement its economic development initiatives, or by the University of Hawaii College of Engineering – which was designated by the Legislature to serve as the lead agency for STEM-workforce initiatives in Act 111 and Act 271, SLH 2007.

“To address any further fiscal or accounting improprieties, the Senate has endorsed comprehensive audits and review of DBEDT, HTDC and NELHA operations through a series of concurrent resolutions. For all of the foregoing reasons, I therefore urge my colleagues to support the Senate amendments made to H.B. 2415, and vote in support of its adoption.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3345 was adopted and H.B. No. 2415, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3346 (H.B. No. 2965, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3346 was adopted and H.B. No. 2965, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SECURITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3347 (H.B. No. 1402, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3347 was adopted and H.B. No. 1402, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3351 (H.B. No. 2245, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3351 was adopted and H.B. No. 2245, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3355 (H.B. No. 2998, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3355 was adopted and H.B. No. 2998, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3362 (H.B. No. 2971, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3362 was adopted and H.B. No. 2971, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2672, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 2672, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PARKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3365 (H.B. No. 2473, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3365 was adopted and H.B. No. 2473, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY,” having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3367 (H.B. No. 2271, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3367 was adopted and H.B. No. 2271, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CASTLE MEDICAL CENTER AND ITS AFFILIATES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3368 (H.B. No. 2272, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3368 be adopted and H.B. No. 2272, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3368 was adopted and H.B. No. 2272, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Ayes with Reservations, 1 (Menor). Noes, 3 (Espero, Hee, Inouye).

Stand. Com. Rep. No. 3370 (H.B. No. 2881, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3370 was adopted and H.B. No. 2881, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3371 (H.B. No. 2196, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3371 was adopted and H.B. No. 2196, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3373 (H.B. No. 3059, H.D. 1, S.D. 3):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3373 was adopted and H.B. No. 3059, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3374 (H.B. No. 3140, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3374 was adopted and H.B. No. 3140, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII PUBLIC HOUSING AUTHORITY," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3380 (H.B. No. 2863, H.D. 2, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3380 was adopted and H.B. No. 2863, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3381 (H.B. No. 2347, H.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3381 was adopted and H.B. No. 2347, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO METAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3382 (H.B. No. 523, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3382 was adopted and H.B. No. 523, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3383 (H.B. No. 2261, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3383 was adopted and H.B. No. 2261, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3384 (H.B. No. 3120, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3384 was adopted and H.B. No. 3120, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3386 (H.B. No. 2587, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3386 was adopted and H.B. No. 2587, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ESTABLISH CREATIVITY ACADEMIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3387 (H.B. No. 2614, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3387 be adopted and H.B. No. 2614, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose to speak in support of the measure and stated:

“Madam President, I would like my remarks in support of Stand. Com. Rep. No. 3387, H.B. No. 2614, S.D. 1 and Stand. Com. Rep. No. 3423, H.B. No. 3377, S.D. 2 inserted into the Senate Journal. Mahalo.”

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

“Madam President, I rise in strong support of HB 2614, SD1. This bill will allow the state to issue a special purpose revenue bond for Island Pacific Academy to construct an athletic/performing arts center and a parking structure at their school in Kapolei. IPA happens to be both the first and largest independent school in West Oahu. This bill is important because it will help give IPA students and the surrounding community better educational facilities and opportunities. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3387 was adopted and H.B. No. 2614, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ISLAND PACIFIC ACADEMY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3390 (H.B. No. 2698, H.D. 3, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3390 was adopted and H.B. No. 2698, H.D. 3, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COURT-APPOINTED COUNSEL AND GUARDIANS AD LITEM IN FAMILY COURT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3391 (H.B. No. 2772, H.D. 3, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3391 was adopted and H.B. No. 2772, H.D. 3, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3392 (H.B. No. 2009, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3392 was adopted and H.B. No. 2009, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3394 (H.B. No. 3197, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3394 was adopted and H.B. No. 3197, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY SYSTEM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3395 (H.B. No. 2369):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3395 was adopted and H.B. No. 2369, entitled: “A BILL FOR AN ACT RELATING TO THE AFTER-SCHOOL PLUS PROGRAM REVOLVING FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2502, H.D. 2:

On motion by Senator Tokuda, seconded by Senator Menor and carried, H.B. No. 2502, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SOLAR ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 647, H.D. 2:

On motion by Senator Menor, seconded by Senator Hooser and carried, H.B. No. 647, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2894, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, H.B. No. 2894, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2486, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Espero and carried, H.B. No. 2486, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3179, S.D. 1:

On motion by Senator Menor, seconded by Senator Tokuda and carried, H.B. No. 3179, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEFINITION OF RENEWABLE ENERGY PRODUCER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 3040, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 3040, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2557, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 2557, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EVIDENCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2253, H.D. 2, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 2253, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING OR REPEALING VARIOUS PROVISIONS OF CHAPTER 281, HAWAII REVISED STATUTES, INTOXICATING LIQUOR, FOR THE PURPOSE OF CLARIFYING LANGUAGE, CORRECTING ERRORS, AND DELETING UNNECESSARY AND OBSOLETE PROVISIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2605, H.D. 2, S.D. 1:

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.B. No. 2605, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ARMED SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1037, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Inouye and carried, H.B. No. 1037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3417 (H.B. No. 2255, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3417 was adopted and H.B. No. 2255, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3419 (H.B. No. 660, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3419 was adopted and H.B. No. 660, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE CIRCUIT COURTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3421 (H.B. No. 2700, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3421 was adopted and H.B. No. 2700, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3423 (H.B. No. 3377, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3423 be adopted and H.B. No. 3377, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose to speak in support of the measure and stated:

"Madam President, I would like my remarks in support of Stand. Com. Rep. No. 3387, H.B. No. 2614, S.D. 1 and Stand.

Com. Rep. No. 3423, H.B. No. 3377, S.D. 2 inserted into the Senate Journal. Mahalo."

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

"Madam President, I rise in strong support of HB 3377, SD2. As my colleagues might know, Hawaii is one of only 5 five states in the country without an ignition interlock device law on the books. We also have the notorious distinction of having one of the highest percentages of traffic deaths involving alcohol in the nation. Studies have shown that interlock devices significantly reduce drunk driving by 50 to 95 per cent while the device is in use. This bill is a common sense approach to keeping drunk drivers off our roads. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3423 was adopted and H.B. No. 3377, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3425 (H.B. No. 1365, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3425 was adopted and H.B. No. 1365, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII DEFERRED COMPENSATION PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3426 (H.B. No. 2372, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3426 was adopted and H.B. No. 2372, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3427 (H.B. No. 2520, H.D. 3, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3427 was adopted and H.B. No. 2520, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3428 (H.B. No. 2540, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3428 was adopted and H.B. No. 2540, H.D. 1, S.D. 1, 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, 25. Noes, none.

Stand. Com. Rep. No. 3436 (H.B. No. 2519, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3436 was adopted and H.B. No. 2519, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3439 (H.B. No. 3126, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3439 was adopted and H.B. No. 3126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3442 (H.B. No. 3331, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3442 was adopted and H.B. No. 3331, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3443 (H.B. No. 2408, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3443 was adopted and H.B. No. 2408, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3444 (H.B. No. 362, H.D. 1, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3444 was adopted and H.B. No. 362, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3450 (H.B. No. 2922, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3450 was adopted and H.B. No. 2922, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3451 (H.B. No. 2005, H.D. 1, S.D. 3):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3451 was adopted and H.B. No. 2005, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY TECHNOLOGIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3452 (H.B. No. 2507, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3452 was adopted and H.B. No. 2507, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS REDUCTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3454 (H.B. No. 3176, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3454 was adopted and H.B. No. 3176, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL AND LIVE ROCK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3455 (H.B. No. 3178, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3455 was adopted and H.B. No. 3178, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3456 (H.B. No. 2781, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3456 was adopted and H.B. No. 2781, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3457 (H.B. No. 466, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3457 was adopted and H.B. No. 466, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3458 (H.B. No. 2953, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3458 was adopted and H.B. No. 2953, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3459 (H.B. No. 2505, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3459 was adopted and H.B. No. 2505, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3462 (H.B. No. 2547, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3462 was adopted and H.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MAUI PREPARATORY ACADEMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3463 (H.B. No. 2955, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3463 was adopted and H.B. No. 2955, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARCHAEOLOGICAL DATA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3464 (H.B. No. 2003, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3464 was adopted and H.B. No. 2003, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII ENERGY POLICY FORUM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 10:37 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:54 a.m.

THIRD READING

Stand. Com. Rep. No. 3344 (H.B. No. 661, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3344 be adopted and H.B. No. 661, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 6) to H.B. No. 661, H.D. 1, S.D. 2:

SECTION 1. House Bill No. 661, H.D. 1, S.D. 2, is amended as follows:

1. By renumbering "SECTION 23" (supersession clause) as "SECTION 22".
2. By designating Sections 1 – 22 as "PART I."
3. By changing the term "Act", as used throughout the newly designated part I to reference the House Bill, to the term "part".
4. By renumbering "SECTION 22" (the boilerplate severability clause as it was numbered in H.B. No. 661, H.D. 1, S.D. 2) as "SECTION 35".
5. By adding a new part II to read as follows:

"PART II.

SECTION 23. Section 11-191, Hawaii Revised Statutes, is amended by:

1. Amending the definition of "loan" to read:

""Loan" means an advance of money, goods, or services, with a promise to repay in full or in part within a specified period of time. A "loan" does not include expenditures made on behalf of a committee by a candidate, volunteer, or employee if:

- (1) A candidate, volunteer, or employee's aggregate expenditures do not exceed \$1,500 within a thirty day period;
- (2) A dated receipt and a written description of the name and address of each payee and the amount, date, and purpose of each expenditure is provided to the committee before the committee reimburses the candidate, volunteer, or employee; and
- (3) The committee reimburses the candidate, volunteer, or employee within forty-five days of the expenditure being made."

2. By amending the definition of "person" to read:

""Person" means an individual, partnership, committee, association, corporation, business entity, organization, or labor union and its auxiliary committees."

SECTION 24. Section 11-193, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

- (a) The duties of the commission under this subpart are:
- (1) To develop and adopt reporting forms required by this subpart;
 - (2) To adopt and publish a manual for all candidates and committees, describing the requirements of this subpart, including uniform and simple methods of recordkeeping;
 - (3) To preserve all reports required by this subpart for at least ten years from the date of receipt;
 - (4) To permit the inspection, copying, or duplicating of any report required by this subpart pursuant to rules adopted by the commission; provided that no information or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;
 - ~~(5) To ascertain whether any candidate, committee, or party has failed to file a report required by this subpart or has filed a substantially defective or deficient report, and to notify these persons by first class mail that their failure to file or filing of a substantially defective or deficient report must be corrected and explained. The correction or explanation shall be submitted in writing to the commission not later than 4:30 p.m. on the fifth day after notification of the failure to file or deficiency has been mailed to these persons. The commission shall publish in the newspaper, and on its website, the names of all candidates, committees, and parties who have failed to file a report or to correct their deficiency within the time allowed by the commission. Failure to file or correct a report when due, as required by this subpart, shall result in a penalty of \$50. Failure to respond after a newspaper notification or website publication shall result in an additional penalty of \$50 for each day a report remains overdue or uncorrected. All penalties collected under this section shall be deposited in the Hawaii election campaign fund;~~
 - ~~(6)~~ (5) To hold public hearings;
 - ~~(7)~~ (6) To investigate and hold hearings for receiving evidence of any violations;
 - ~~(8)~~ (7) To adopt a code of fair campaign practices as a part of its rules;
 - ~~(9)~~ (8) To establish rules pursuant to chapter 91;
 - ~~(10)~~ (9) To request the initiation of prosecution for the violation of this subpart pursuant to section 11-229;
 - ~~(11)~~ (10) To administer and monitor the distribution of public funds under this subpart;
 - ~~(12)~~ (11) To suggest accounting methods for candidates, parties, and committees, as the commission may deem advisable, in connection with reports and records required by this subpart;
 - ~~(13)~~ (12) To employ or contract, without regard to chapters 76, 78, and 89 and section 28-8.3, and, at pleasure, to dismiss persons it finds necessary for the performance of its functions, including a full-time executive director, and to fix their compensation;
 - ~~(14)~~ (13) To do random audits, field investigations, as necessary;
 - ~~(15)~~ (14) To file for injunctive relief when indicated; and
 - ~~(16)~~ (15) To render advisory opinions upon the request of any candidate, candidate committee, noncandidate committee, or other person or entity subject to this chapter, as to whether the facts and circumstances of a particular case constitute or will constitute a

violation of the campaign spending laws. If no advisory opinion is rendered within ninety days after all information necessary to issue an opinion has been obtained, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a violation of the campaign spending laws. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the candidate, candidate committee, noncandidate committee, or other person or entity subject to this chapter, who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the persons in the request for an advisory opinion. Nothing in this section shall be construed to allow the commission to issue rules through an advisory opinion."

SECTION 25. Section 11-195, Hawaii Revised Statutes, is amended to read as follows:

"§11-195 Filing of reports, generally. (a) All reports required to be filed under this subpart by a candidate ~~[or those committees directly associated with the candidate's candidacy] committee~~ shall be certified by the candidate and treasurer. Reports required to be filed under this subpart by a ~~[party or committee that supports more than one candidate] noncandidate committee~~ shall be certified by ~~[a person authorized to sign the reports. All reports required to be filed under this subpart shall be open for public inspection in the office of the commission.]~~ the chairperson and treasurer.

(b) ~~[The original and one copy of all]~~ All reports required under this subpart shall be electronically filed ~~[at the office of the commission. In the case of counties having less than two hundred thousand voters, the filing shall be accomplished by filing an original and two copies of the required report with either the commission or the clerk of the county in which the candidate resides. The clerk shall then immediately mail the original and one copy of the report to the commission.]~~

~~(c) The commission or county clerk shall give each person filing a report a receipt stating the type of report filed and the date and time of filing.~~

~~(d) All reports filed with the county clerk's office shall be preserved by that office for four years from the date of receipt.] on the commission's electronic filing system.~~

~~(e) (c) All reports required to be filed under this subpart shall at all times be available to the general public.~~

~~(f) (d) For purposes of this subpart, whenever a report is required to be filed with the commission, "filed" means [received in the office of the commission or county clerk, whichever is applicable,] electronically filed on the commission's electronic filing system by the date and time specified for the filing of the report[; except that a noncandidate committee required to be registered with the commission pursuant to section 11-194(d), and a candidate] by the:~~

(1) Candidate or the committee of a candidate who is seeking election to the:

- ~~(A)~~ (A) Office of governor;
- ~~(B)~~ (B) Office of lieutenant governor;
- ~~(C)~~ (C) Office of mayor;
- ~~(D)~~ (D) Office of prosecuting attorney;
- ~~(E)~~ (E) County council;
- ~~(F)~~ (F) Senate;
- ~~(G)~~ (G) House of representatives;
- ~~(H)~~ (H) Office of Hawaiian affairs; or
- ~~(I)~~ (I) Board of education[;

~~shall file by electronic means in the manner prescribed by the commission]; or~~

(2) Noncandidate committee required to be registered with the commission pursuant to section 11-194.

~~(e) In order to be timely filed, a committee's reports shall be filed on the commission's electronic filing system on or before 11:59 p.m. Hawaii standard time on the prescribed filing date."~~

SECTION 26. Section 11-200, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Any provision of law to the contrary notwithstanding, a candidate, campaign treasurer, or candidate's committee, as a contribution:

- (1) May purchase from its campaign fund not more than two tickets for each event held by another candidate, committee, or party whether or not the event constitutes a fundraiser as defined in section 11-203;
- (2) May use campaign funds for any ordinary and ~~[necessary]~~ customary expenses incurred in connection with the candidate's duties as a holder of an elected state or county office, as the term is used in section 11-206(c); and
- (3) May make contributions from its campaign fund to any community service, educational, youth, recreational, charitable, scientific, or literary organization; provided that in any election cycle, the total amount of all contributions from campaign funds and surplus funds shall be no more than the maximum amount that one person or other entity may contribute to that candidate pursuant to section 11-204(a); provided further that no contributions from campaign funds shall be made from the date the candidate files nomination papers to the date of the general election."

SECTION 27. Section 11-204, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) No person or any other entity shall make contributions to a noncandidate committee, in an aggregate amount greater than \$1,000 in an election[-]; except that, in the case of a corporation or company using funds from its own treasury, a contribution by the corporation or company to its noncandidate committee shall not exceed \$25,000 in an election. A corporation or company shall not contribute any funds directly to a candidate, candidate committee, or party."

SECTION 28. Section 11-205.6, Hawaii Revised Statutes, is amended to read as follows:

"§11-205.6 Campaign contributions; loans. (a) Any loan to a candidate or candidate's committee in excess of \$100 shall be documented and disclosed as to lender, including the lender's name, address, employer, and occupation and purpose of the loan in the subsequent report to the commission. A copy of the executed loan document shall accompany the report. The document shall contain the terms of the loan, including the interest and repayment schedule. Failure to document the loan or to disclose the loan to the commission shall cause the loan to be treated as a campaign contribution, subject to all relevant provisions of this chapter.

(b) A candidate or candidate's committee may receive and accept loans in an aggregate amount not to exceed \$10,000 during an election period, provided that if the \$10,000 limit is reached, the candidate or candidate's committee shall be prohibited from receiving or accepting any other loans until the \$10,000 is repaid in full by the candidate or candidate's committee.

(c) If any loan made to a candidate is not repaid within one year of the date that the loan is made, the candidate and candidate's committee shall be prohibited from accepting any other loans, and all subsequent contributions received and any surplus retained shall only be expended toward the repayment of the outstanding loan, until the loan is repaid in full by the candidate or candidate's committee.

(d) No loan may be accepted or made by noncandidate committees.

(e) Any loan by a financial institution regulated by the State or a federally chartered depository institution and made in

accordance with applicable law in the ordinary course of business, or a loan by a candidate of the candidate's own funds, or a loan from immediate family members of a candidate using their own funds to the candidate's committee shall not be deemed a contribution and not subject to the contribution limits provided in section 11-204 or the loan limit and repayment provisions of subsection (b) and (c); provided that loans from the immediate family members of the candidate shall remain subject to the provisions in section 11-204(c).

(f) For the purposes of this section, a "loan" does not include expenditures made on behalf of a candidate committee by a candidate, volunteer, or employee if:

- (1) The candidate's, volunteer's, or employee's aggregate expenditures do not exceed \$1,500 within a thirty-day period;
- (2) A dated receipt and a written description of the name and address of each payee and the amount, date, and purpose of each expenditure is provided to the candidate committee before the candidate committee reimburses the candidate, volunteer, or employee; and
- (3) The candidate committee reimburses the candidate, volunteer, or employee within forty-five days of the expenditure being made."

SECTION 29. Section 11-206, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Surplus funds may be used after a general or special election for:

- (1) Any fundraising activity;
- (2) Any other politically related activity sponsored by the candidate;
- (3) Any ordinary and ~~necessary~~ customary expenses incurred in connection with the candidate's duties as a holder of an elected state or county office; or
- (4) Any contribution to any community service, educational, youth, recreational, charitable, scientific, or literary organization; provided that in any election cycle, the total amount of all contributions from campaign funds and surplus funds shall be no more than twice the maximum amount that one person or other entity may contribute to that candidate pursuant to section 11-204(a); provided further that no contributions from campaign funds shall be made from the date the candidate files nomination papers to the date of the general election."

SECTION 30. Section 11-207.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Each candidate, candidate's committee, or committee, that within the period of fourteen calendar days through four calendar days prior to a primary, special primary, general, or special general election, makes contributions aggregating more than \$500, or receives contributions from any person or entity aggregating more than \$500, shall file a report with the commission ~~[or appropriate county clerk's office on forms provided by the commission, no later than 4:30 p.m.]~~ three calendar days prior to the election."

SECTION 31. Section 11-212, Hawaii Revised Statutes, is amended as follows:

- 1. By amending subsection (a) to read:
 - (a) (1) The candidate committee of each candidate whose name will appear on the ballot in the immediately succeeding election shall file a preliminary report ~~[with the commission or appropriate county clerk's office]~~. Preliminary reports shall be filed ~~[on forms provided by the commission no later than 4:30 p.m.]~~ on the following dates:
 - (A) July thirty-first of the year of the primary election;

- (B) Ten calendar days prior to each primary and initial special election; and
 - (C) Ten calendar days prior to a special or general election.
- (2) Each report shall be certified pursuant to section 11-195 and shall contain the following information which shall be current through June 30 prior to the filing of the report filed on the thirty-first of July and fifth calendar day prior to the filing of other preliminary reports:
 - (A) The aggregate sum of all contributions and other campaign receipts received;
 - (B) The amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than \$100 during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;
 - (C) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of \$1,000 or more during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;
 - (D) All expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and
 - (E) A current statement of the balance on hand or deficit."

- 2. By amending subsection (b) to read:
 - (b) Each noncandidate committee shall file a preliminary report with the commission ~~[on forms provided by the commission, no later than 4:30 p.m.]~~ on the tenth calendar day prior to each primary election and the tenth calendar day prior to a special or general election. Each report shall be certified pursuant to section 11-195 and shall contain the following information, which shall be current through the fifth calendar day prior to the filing of a preliminary report:
 - (1) The aggregate sum of all contributions and other campaign receipts received;
 - (2) The amount and date of deposit of the contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of \$100 or more during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;
 - (3) The amount and date of each disbursement or contribution made to a candidate, party, organization, or committee, including the name and address of each payee, which has not previously been reported;
 - (4) The amount and date of each expenditure made or incurred by the committee for or against any candidate, ballot issue, or on behalf of another committee, which has not previously been reported; and
 - (5) A current statement of the balance on hand."

- 3. By amending subsection (d) to read:
 - (d) A candidate, party, or committee whose aggregate contributions and aggregate expenditures for the reporting period each total \$2,000 or less may file a short form report with the commission ~~[or appropriate county clerk's office]~~ in lieu of the reports required by this section and section 11-213."

SECTION 32. Section 11-213, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) Primary and initial special election. Each candidate whether or not successful in a primary or initial special election, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report certified pursuant to section 11-195 with the commission ~~[on forms provided by the commission no later than 4:30 p.m.]~~ on the twentieth calendar day after a primary or initial special election. The report shall include the following information which shall be current through the day of the primary election:

- (1) A statement of the total contributions and campaign receipts received;
- (2) The amount and date of deposit of each contribution and the name and address of each donor who contributes an aggregate of more than \$100 during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;
- (3) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of \$1,000 or more during an election period, which has not previously been reported; provided that if all the information is not on file, the contribution shall be returned to the donor within thirty days of deposit;
- (4) A statement of all expenditures made, incurred, or authorized by or for a candidate including the name and address of each payee and the amount, date, and purpose of each expenditure; and
- (5) The cash balance and a statement of surplus or deficit.”

2. By amending subsection (b) to read:

“(b) Each noncandidate committee shall file a final primary report, certified pursuant to section 11-195, ~~[with the commission on forms provided by the commission no later than 4:30 p.m.]~~ on the twentieth calendar day after a primary election. The report shall include the following information, which shall be current through the day of the primary election:

- (1) A statement of the total contributions and campaign receipts received;
- (2) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of more than \$100 during an election, which has not previously been reported;
- (3) The amount and date of each disbursement or contribution made to a candidate, party, organization, or committee, including the name and address of each payee, which has not previously been reported;
- (4) The amount and date of each expenditure made or incurred by the committee for or against any candidate, ballot issue, or on behalf of another committee, which has not previously been reported; and
- (5) A current statement of the balance on hand.”

3. By amending subsection (d) to read:

“(d) General, special general, special election or election period. Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall file a final election period ~~[general]~~ report with the commission on forms provided by the commission ~~[no later than 4:30 p.m.]~~ on the thirtieth calendar day after a general, special general, or special election. The final election period report shall be certified pursuant to section 11-195, shall report all items prescribed in subsection (a) or (b) for noncandidate committees, and shall be current through the day of the general election. A candidate who is unsuccessful in a primary or special primary election shall file a final election period report.”

4. By amending subsection (f) to read:

“(f) Deficit. In the event of a deficit the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall, every six months until the deficit is eliminated, file supplemental reports covering all items prescribed in subsection (a) or subsection (b) in the case of noncandidate committees. The first report shall be due no later than ~~[4:30 p.m. on]~~ the thirty-first day after the last day of the election year.”

5. By amending subsection (g) to read:

“(g) Surplus. In the event of a surplus the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall:

- (1) Maintain the cash surplus in a financial depository; and
- (2) Every six months, until the candidate files to be on the ballot with the state office of elections, or in the case of a party or committee until they participate in an election again, file supplemental reports detailing all items prescribed in subsection (a) or in the case of a noncandidate committee until they participate in an election again, or file supplemental reports detailing all items prescribed in subsection (b).

The first report shall be due not later than ~~[4:30 p.m. on]~~ the thirty-first calendar day after the last day of the election year.”

6. By adding a new part III to read as follows:

“PART III.

SECTION 33. Nothing in this Act shall affect the outcome of the case of Charmaine Tavares Campaign v. Barbara U. Wong, et al., Civil No. 06-1-0430, Circuit Court of the Second Circuit, or its appeal.

SECTION 34. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 35. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 36. Part I of this Act shall take effect on July 1, 2008, and shall be applicable beginning with the general election year of 2010. This part and part II shall take effect upon their approval; provided that section 27 shall take effect on November 5, 2008.”

Senator Taniguchi moved that Floor Amendment No. 6 be adopted, seconded by Senator Kim.

Senator Taniguchi rose to speak in support of the amendment and said.

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

“We are proposing this amendment for a number of reasons. We did have S.B. No. 2204, S.D. 1, which was heard in the Senate and passed; however, that bill did not quite make it in the House. In the interim, we have discussed with some of the House members some proposed amendments and a possible compromise to this bill.

“So we are proposing in this amendment to amend H.B. No. 661 to clarify the treatment of reimbursements and a definition of persons, to specify that the commission shall not issue rules through advisory opinions. We’ve made technical changes to conform the law to electronic filing requirements. We also have clarified that campaign funds are to be used for ordinary and customary expenses. We allow a larger amount for community donations. And rather than having unlimited transfers from a corporate treasury into its own PAC, we will require all corporate donations to go through a non-candidate committee, and limit the amount of the transfer from the treasury into its own PAC to \$25,000 per election. That’s the

same as donation limits for party. We will also note that the bill has, that the amendment has nothing, is not meant to affect the *Tavares vs. Campaign Spending Commission*, a case currently on appeal. And we make it clear that we're banning all donations directly from the corporation's treasury to committees and parties.

"I believe that's it. I ask all members to support this amendment."

Senator Ihara rose to speak in opposition as follows:

"Madam President, I regrettably rise in opposition to Floor Amendment No. 6.

"This amendment would add a new section, as the Chair mentioned, to H.B. No. 661, that establishes a pilot program for publicly financed campaigns for Hawai'i County Council elections. The amendment would also, among other good things, insert a provision that would allow corporations to make up to an aggregate of \$25,000 in campaign contributions to candidates, subject to the same limitations imposed on individuals. With all due respect to Majority colleagues and also Minority colleagues, I am voting against this Floor Amendment for the same reasons I opposed S.B. No. 2204 at first crossover.

"The bottom line is that I believe corporate campaign contributions should be prohibited, like the federal government and 22 states have already done. Today I'll share my concern about campaign contributions from corporations and from other donors with special interests or narrower interests at the Legislature. This is an ethical concern of legislators being placed in conflict of interest situations. Most campaign contributions come from donors that have special interests, rather than general or public interest. And this makes sense because they have a stake in particular outcomes at the Legislature, as opposed to average citizens with general interest in their democracy.

"When special interest donors contribute to legislators' campaigns and also lobby for legislation I believe this results in a conflict of interest. The conflict is between those narrower interests and the interests of the general public or the broader interests between which legislators sometimes have to choose. I believe this conflict is real because the consequences are real. At election time, constituents sometimes vote against legislators if the public interest is ignored in favor of special interest. And special interest donors often withhold campaign contributions to legislators if their own concerns are not supported. The conflict is between our role as a legislator and our other role as a candidate for reelection. I believe legislators should not wear their candidate uniform when serving as a legislator, but I understand how difficult this is to do. Because legislators need funds for successful campaigns, we sometimes find ourselves in a no-win situation of siding with a public constituency that rarely donates versus a reliable donor group with interests that may be contrary to the general public. In order to avoid perceptions of undue influence, state ethics laws prohibit gifts to legislators from donors involved in legislation. But the law does allow these same donors to make gifts to legislators' campaigns even though the perception of undue influence may be widely held. I believe this bifurcated treatment of the same ethical situation is a major cause of public distrust of elected officials.

"Of particular concern is the solicitation of campaign donations during the legislative session. This is like a judge of a contest soliciting contributions from contestants during the contest period. I don't believe people would tolerate most situations of this sort. At the Legislature we are the judge in policy disputes and many legislators rely on parties in these disputes to contribute during legislative sessions to fund our

reelection campaigns. Legislators judge these policy disputes even when their financial campaign partner is a party to the dispute. I believe this dilemma is a result of our current privately funded campaign system.

"I believe a partial solution to reduce conflicts of interests among legislators is to ban corporate campaign contributions. An even better solution, albeit not perfect, is to replace campaign, private campaign contributions with monies from the Hawai'i Campaign Fund, which taxpayers contribute to through a \$2 income tax check off. And if this fund might become depleted, it could be restored by funds from the unclaimed properties fund, comprised of monies from abandoned checking accounts, stocks, annuities, and other abandoned financial instruments.

"Madam President, I encourage Senators to consider these concerns when voting for this amendment. Thank you."

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

"Madam President, I will vote 'no'. And the reason is, having run for Congress with several of the colleagues on the floor, I understand how difficult it has been to raise corporate funds during that election. Nonetheless, the playing field is level from my point of view, and it just, what it did was raise the challenge for all of us. And based on that experience of running for Congress, where corporate contributions were not allowed, did not seem to hamstring my efforts, regardless of the results at the end of the day. Thank you."

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

"Madam President, I also rise in opposition to this amendment.

"I also am speaking against allowing corporate contributions but I'd like to look at the flip side of the coin that the good Senator from Kaimuki was talking about.

"There are clubs as well as carrots. Of course, some companies may make corporate contributions because they want a positive outcome. Unfortunately, the general public and many businesses feel that the club is much more effective, that they make corporate contributions either as insurance or as protection money to avoid the worst possible legislation affecting their business. And I think that it is important that the general public realize that that would not be our intent. We would not as Legislatures, or as legislators, be introducing legislation to penalize specific businesses or specific groups, and thus encouraging them during the legislative session to attend fundraisers or provide donations.

"So, colleagues, I suggest that it might be appropriate to see how the public views what we're doing here today, and that the coin really does have two sides. Thank you."

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

Senator Taniguchi then moved that Stand. Com. Rep. No. 3344 be received and placed on file, seconded by Senator Kim and carried.

By unanimous consent, H.B. No. 661, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was placed on the calendar for Third Reading on Thursday, April 10, 2008.

Stand. Com. Rep. No. 3348 (H.B. No. 2164, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3348 be adopted and H.B. No. 2164, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble then offered the following amendment (Floor Amendment No. 7) to H.B. No. 2164, H.D. 1, S.D. 1:

SECTION 1. House Bill No. 2164, H.D. 1, S.D. 1, section 2, is amended by deleting the quote at the end of subsection (c) and adding a new subsection (d) to section 304A-2168, Hawaii Revised Statutes, to read as follows:

“(d) No moneys in the special fund shall be used for capital expenditures for the construction of any new facility, building, or structure within any:

- (1) Anticipated inundation area designated on the department of defense’s civil defense tsunami inundation maps; or
- (2) Special flood hazard area as delineated on flood maps issued by the Federal Emergency Management Agency.”

Senator Trimble moved that Floor Amendment No. 7 be adopted, seconded by Senator Slom.

Senator Trimble rose to speak in support of the amendment as follows:

“Thank you Madam President, I’ll keep my remarks brief. This was kind of prompted by another bill that is on the consent calendar that we will not be discussing today—H.B. No. 1034. That House bill requires the counties to reexamine setbacks from the ocean. And the bill actually deals with the private sector but the issue is not the private sector, the issue truly, because they anticipate problems, insurance companies will make sure that insurance rates are such that private developments are not placed too close to the shoreline, whether it’s tsunami, hurricane, flood. The parties that tend to disregard that, to be insensitive, are us—state government.

“So, this particular amendment addresses this concern for one particular public state agency—the proposed Cancer Center. And all it says is that when you expand what cigarette money can be used for and include that it can be used for capital improvements, for construction of new buildings, that those buildings and capital improvement will not be situated in either a tsunami inundation zone or a flood plain. For that reason, based on our past experience, I ask your support for this housekeeping technical amendment. Thank you.”

Senator Baker rose to speak in opposition as follows:

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

“Unfortunately, I think our colleague across the way doesn’t appreciate the gravity of his amendment. This would have the effect of preventing the Cancer Research Center from going forward with its plans to build a comprehensive center and would cost millions of dollars as well as lots of setbacks for treatment. Thank you.”

Senator Trimble rose to speak in rebuttal as follows:

“Madam President, I would like to remind our colleagues of the consequences of improper siting of public buildings. I’m referring specifically to the medical school at the Manoa campus and the extension to Hamilton Library. I don’t think that we, I think that we should learn by this experience and move forward and be more prudent in where we situate important public structures. Thank you.”

The motion to adopt Floor Amendment No. 7 was put by the Chair and failed to carry.

The motion to adopt Stand. Com. Rep. No. 3348 and pass H.B. No. 2164, H.D. 1, S.D. 1, on Third Reading was then put by the Chair and carried, Stand. Com. Rep. No. 3348 was adopted and H.B. No. 2164, H.D. 1, S.D. 1, entitled: “A BILL

FOR AN ACT RELATING TO THE CANCER RESEARCH SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3364 (H.B. No. 2521, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3364 be adopted and H.B. No. 2521, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Baker then offered the following amendment (Floor Amendment No. 8) to H.B. No. 2521, H.D. 2, S.D. 2:

SECTION. 1. House Bill No. 2521, H.D. 2, S.D. 2, is amended by:

- (1) Deleting the proposed amendment in section 3, at page 10, line 20, which would have replaced the appropriation of \$2,000,000 with an unspecified appropriation for fiscal year 2008-2009 for the academy for creative media program; and
- (2) Restoring the \$2,000,000, as it was appropriated pursuant to Act 11, Session Laws of Hawaii 2007.

Senator Baker moved that Floor Amendment No. 8 be adopted, seconded by Senator Fukunaga.

Senator Baker rose to speak in support of the amendment as follows:

“Madam President, in Ways and Means zeal to blank out all of the dollars in bills moving forward, we blanked out an amount that had already been agreed to in the session laws. That blank is causing some consternation among the ranks of the recipients of those funds who are concerned that the current funds won’t be released because of that blank. And we want to allay that concern going forward.”

The motion to adopt Floor Amendment No. 8 was put by the Chair and carried.

Senator Baker then moved that Stand. Com. Rep. No. 3364 be received and placed on file, seconded by Senator Fukunaga and carried.

By unanimous consent, H.B. No. 2521, H.D. 2, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was placed on the calendar for Third Reading on Thursday, April 10, 2008.

H.B. No. 3150, H.D. 2:

Senator Ige moved that H.B. No. 3150, H.D. 2, having been read throughout, pass Third Reading, seconded by Senator Menor.

Senator Ige then offered the following amendment (Floor Amendment No. 9) to H.B. No. 3150, H.D. 2:

SECTION 1. House Bill No. 3150, H.D. 2, is amended by amending Section 4 to read as follows:

“SECTION 4. This Act shall take effect upon approval.”

Senator Ige moved that Floor Amendment No. 9 be adopted, seconded by Senator Menor.

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

“Madam President, in our review of H.B. No. 3150, H.D. 2, we did not notice that there is a defective effective date. If we were to pass H.B. No. 3150, H.D. 2, unamended, it would go up the Governor with that defective date. This floor amendment simply inserts an effective date ‘upon approval.’”

The motion to adopt Floor Amendment No. 9 was put by the Chair and carried.

By unanimous consent, H.B. No. 3150, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT," was placed on the calendar for Third Reading on Thursday, April 10, 2008.

RECOMMITTALS OF HOUSE BILLS

Stand. Com. Rep. No. 3389 (H.B. No. 2283, H.D. 1, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, Stand. Com. Rep. No. 3389 and H.B. No. 2283, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," was recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 3460 (H.B. No. 1984, H.D. 1, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, Stand. Com. Rep. No. 3460 and H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was recommitted to the Committee on Judiciary and Labor.

THIRD READING

MATTERS DEFERRED FROM FRIDAY, APRIL 4, 2008

Stand. Com. Rep. No. 3298 (H.B. No. 2550, H.D. 2, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Ige and carried, Stand. Com. Rep. No. 3298 was adopted and H.B. No. 2550, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3299 (H.B. No. 509, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3299 be adopted and H.B. No. 509, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition and said:

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

"This bill is a, probably an indication of several problems that we have in our economy and with our Legislature. First of all, we're closing the door after the horse is gone in terms of airlines and in terms of helping. And secondly, bail outs or loan guarantees really are not the purview of the State Legislature.

"What is the purview of the State Legislature is to make for a healthy business and investment climate. We have not done that. That's why so many of our businesses have had problems, are having problems, and will have problems. But pledging the taxpayers money for economic bail outs, particularly for companies whose management skills are lacking or face the other problems, the same problems as do their competitors, is never a wise policy. It's not an economic policy, it's a political policy, and we should not be embarking on it. Thank you."

Senator Hemmings rose to speak in opposition to the measure as follows

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

"Colleagues, I believe that in addition to what the good Senator from Hawai'i Kai illuminated in his brief remarks that we have to consider some other consequences of this legislation that may have far reaching effects down the line.

"Number one is when we, as a government body or as a legislature, use the taxpayers' money to bail out a company, what is the criteria for selection? Does it have to be a company that employs a lot of local people? Does it have to be a company that has ties to certain political entities? Does it have to be a company that maybe is from a certain rural area that otherwise is underserved or overserved, whatever the case may be? There is no criterion for bail out. It seems that we just pick out a company that we have sympathy for and offer an industry or a particular segment of the economy favored treatment by taxpayers' money. And obviously guaranteeing a huge loan could prove to be costly.

"Number two reason to vote against this legislation is this legislation does not address the problem. The problem is not that a longtime favored local airline is going out of business. The problem is that a company entered this island marketplace, set up a subsidiary company, and created a predatory pricing situation that many believe is antitrust under federal law. And I think possibly you're going to see legislation from Congress on this and you're also going to see some lawsuits to follow up on this principle. So we're not addressing the problem. We're just throwing taxpayers' money at it with hopes that it may save an airline that's already gone out of business.

"And number three, in reading the bill specifically and the criteria for a definition of a local carrier, Hawai'i carrier, all it says is it has to be certified under the Federal Aviation regulation part 121, which means that the culprit in the marketplace, in this case go!, could be eligible in the future to get a loan from the taxpayers for putting Aloha Airlines out of business.

"It doesn't make sense, Madam President. I would urge my colleagues to really do what's best for the local economy and what's best for the airline industry specifically and sort this thing out in the courts, where it should be, rather than on the floor of this legislature. So I would urge my colleagues to vote 'no.'"

Senator Hooser rose to speak in favor of the measure and said

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

"Just real brief remarks. This bill originated some time ago when, it's no question Aloha Airlines was on the ropes. And it was intended to be a way to minimize the damaging impacts of the closure, foreclosure, and possibly forestall that closure. And clearly they've already moved forward with decisions that they had made.

"I think, though, that it's also a recognition of the importance of the interisland transportation airline business to our industry. There's no question that many, many businesses are struggling now with the high cost of fuel. And our economy, our community is totally dependent on these transportation modes. And this is a tool, that's all it is, it's a tool, it's a vehicle that is in place and if we can be used, or this tool or vehicle can be used to support some of these vital industries—interisland transportation companies—then that tool will be available.

"I want just to finally comment that the Legislature before I was around here anyway did enact a similar tool in 1993 to support Hawaiian Airlines. And it's my understanding that just by the act of putting into place the legislation, it inspired faith and confidence in the investors of that business, which allowed Hawaiian Airlines to come out and prosper and grow. And so I think that we need to have this tool in place, and I encourage my colleagues to vote and support. Thank you."

Senator Hemmings rose in rebuttal and said:

"I do rise in opposition and rebuttal to the previous remarks just to put on record some accurate information regarding Aloha Airlines and the situation they're in.

"Number one is that there is a level playing field regarding the cost of fuel, cost of labor, the cost of government mandates on all businesses, including airlines—that's not the problem. Everyone has to pay the same fuel costs and good management will have to deal with it in relationship to the price of their commodity and the cost of the fuel as factored in as a cost of doing business.

"Like I said, the real problem is not the fuel level cost, the labor—they're all bad in Hawai'i and everybody has to deal with it anyway. What the real culprit is is the predatory pricing situation and that is not being dealt with. And therefore this bill does not make sense under those circumstances. Thank you."

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

"Madam President, I rise to support the measure.

"As the chair of the Transportation and International Affairs Committee, this is important going forward because airlines like Hawaiian, like Island Air, are going to need these types of loan guarantees. And we have to be very cognizant that unless we have something in place to support the movement of people and goods interisland, our economy will come to a standstill. There's no doubt about that.

"Congress is now taking a look at this. We need to take a look at this and this is one of the proactive measures that we can do to help to bring. First stabilize the industry, that's the first thing we need to do. And I agree with many of the comments that were made before, that we have to look at how we can equalize the playing field and take care of the other issues. But first things first—make sure that the existing airlines, Hawaiian, Island Air, are able to stabilize—and that's what this measure will help to do. Thank you."

Senator Slom rose to speak in rebuttal as follows:

"Madam President, just a brief rebuttal again in opposition to the bill.

"While it certainly is true that we are dependent on air travel to a great degree and that we can expect more problems with our local air carriers, we debated, we spent a special session here and debated for many hours about the Superferry, which offers an alternative—both in cost and also in terms of not having us tied to air travel. There was never any question about having loans or guarantees or supporting the Superferry. In fact what we did was to limit and restrict their operations and make it less of a choice for island residents. I think that again we're going down a very dangerous path here because as the last speaker said, we probably are going to see more difficulties ahead for the airlines. So the question then becomes how much are we willing to put up front of the taxpayers' money? If it were our money, then we could line up over here and reach in our own pockets and see just how sincere we are about guaranteeing the airlines in terms of a loan. But it is a very faulty practice, it does not make economic sense, and what we should be doing again is the thing that we keep ignoring. And that is improving our overall business climate for all businesses and all modes of transportation. Thank you."

Senator English rose to speak in rebuttal as follows:

"Madam President, in rebuttal.

"You know, here we go again, comparing the apples and oranges. The whole debate on the Superferry really comes down to this—they didn't follow the law, and the Supreme Court said that. That was our beef with it. I don't think many

of us here were saying don't sail. We said follow the law. So when you break the law and the Supreme Court has to rule and say that no, you didn't follow the law, that's the problem with the Superferry.

"The issue at hand here is with airlines and it's the movement of people and movement of goods. Superferry could do the same thing if they followed the law. They're operating today; let's see how good they can do. Yes, all the forms of transportation are important, but let's not lose sight of what this bill is doing, which is on the table right now. It's to help to stabilize the existing airlines. Thank you."

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

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

"The bill is too little too late. This bill is for Aloha Airlines—Aloha is gone. Even CEO Banmiller said that the government took too long to respond.

"If this bill had a mandatory rollback in ticket prices, we may be talking about a different bill that would have a benefit to the consumer. In fact what this does is provide loan guarantees while Hawaiian and go! will exponentially rise the cost of air travel between islands. That's not a secret and that is not an epiphany. People had better buckle up because your ticket prices will be skyrocketed now that Aloha Airlines has exited the marketplace. It could be a tool, as others have said, if in fact it had a mandatory rollback. But in fact it doesn't. And in fact the consumers will be providing a guarantee for loans while they're paying higher prices for tickets. What this bill does is it gets the consumers coming and gets them going.

"The time has come on a national basis to look at what Reagan did and the consequences of President Reagan when he deregulated the airline industry. And already on the national level there are calls to regulating the air industry. In Hawai'i we have a unique situation because there are not highways that connect each island. And in fact the exit of Aloha makes a good case to start to look at the air carriers as necessary utilities that should be debated on the regulatory, on regulating the industry as if it were to serve as highways.

"Regrettably, while I think that this is a noble effort, it is misplaced to the extent that consumers will be, taxpayers will be asked to guarantee loans while their ticket prices will go through the roof. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3299 was adopted and H.B. No. 509, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 5 (Hee, Hemmings, Nishihara, Slom, Trimble).

Stand. Com. Rep. No. 3301 (H.B. No. 2770, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3301 be adopted and H.B. No. 2770, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

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

"What we're doing in this bill is expanding the Bridge to Hope program and using TANF funds and expanding the definition of those that qualify. And while certainly we want to put people back to work, this program has been around for a while and we really have not assessed it, whether it's meetings its goals or objections or whether or not it has actually produced

positive results. I think we need to do that first before we expand it and dip into the TANF funds. Thank you.”

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

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

“I think because the Bridge to Hope program has been successful, there has been unanimous support for this. The Department of Human Services, our Director Koller has been very supportive of expanding this to the TANF families. So thank you very much for your support, colleagues.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3301 was adopted and H.B. No. 2770, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BRIDGE TO HOPE PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3319 (H.B. No. 3011, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3319 be adopted and H.B. No. 3011, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose to speak in opposition as follows:

“Madam President, I rise in opposition to H.B. No. 3011.

“Colleagues, I was at the hearing where this bill was heard except it wasn’t really heard because nobody spoke in favor of it. There were some concerns expressed by somebody else. It led me to believe that its law targeted or in response to one individual. Without broad based public support, why are we making this change?

“We can’t have the respect of the public that we’re doing our job as legislators if there is no discussion on the floor and we keep changing the law. They will want to know why. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3319 was adopted and H.B. No. 3011, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3324 (H.B. No. 2238, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3324 be adopted and H.B. No. 2238, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition and said:

“Madam President, I guess it’s going to be kind of quiet today. I stand to speak in opposition to this measure.

“This measure would keep in perpetuity public housing projects. My concern is that if we pass this bill, it will become known as the slum creation act of 2008. Projects have a useful life. When you get toward the end of that useful life, you should make a business decision. That business decision can be sell it, rebuild it, but the option should remain open.

“And, you know, if we just look back at the previous administration and during the time of the previous administration there were many public housing projects where units could not be used because they were not maintained because money was not spent to maintain those—and that’s why we have been appropriating money like crazy because of the housing shortage and the lack of affordable housing. So on

one hand the bill will not result in what you anticipate. And on the other hand, it certainly will tend to recreate slums where we least need them. Thank you.”

Senator Slom rose to speak in opposition as follows:

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

“You know, we’ve been talking about affordable housing in Hawai’i for at least fifty years. We’ve gotten farther and father away from the idea of affordable housing although it’s very subjective and different people have different ideas of what it is. But we’ve had county and state programs in the past. We’ve allowed developers to buy out their affordability in terms of development. And we’ve had the stick approach without the carrot approach. We need incentives if we’re going to have developers build. And by telling them that the price and the cost is going to remain the same in perpetuity would be like saying that the salaries of the legislators would remain the same in perpetuity. But of course we’re smarter than that; that’s why we raise our own salaries.

“The other thing that we have going for us is that we’ve got a number of bills that are talking about important agricultural lands, including lands where once we had workers living on those lands. And what we’re trying to do now we have a debate going on whether we should preserve, protect, restrict, those lands. And if we do that, where are going to be the lands for development of affordable housing? We should be looking at this realistically and we should be talking about developers as to what they need and what it would take in terms of incentives to provide them with the wherewithal to actually build lower cost housing. This bill does not do that. Thank you.”

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

“I rise in support, Madam President.

“This bill is a real simple bill, and I think the prior speakers do not fully understand what the bill says. It simply says that if we use public funds to build public housing, then that housing should remain affordable. You know, it’s not telling developers what they have to do. It’s saying you use public money, public lands to build public housing that should remain affordable. It’s a simple bill. It’s good public policy. And I urge my colleagues to vote in support.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3324 was adopted and H.B. No. 2238, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3325 (H.B. No. 2739, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3325 be adopted and H.B. No. 2739, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition and said:

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

“Colleagues, it’s so much material that we’re dealing with today. Will Rogers wouldn’t have to read another newspaper. I’m kind of taken by sort of toward the end of the bill. What this does is provide a redefinition of what qualifies to be put in an enterprise zone. And it does provide for preferential tax treatment—exemption from general excise tax, for example—unless you’re dealing with GMOs. And then suddenly you don’t qualify.

"I think this should give us pause to think and question and perhaps reconsider before the final vote is made on this bill in a couple weeks, and remove that restriction. Thank you."

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

Senator Hooser rose in support and said:

"I'm going to be submitting remarks in support of this measure, Madam President."

The Chair so ordered.¹

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3325 was adopted and H.B. No. 2739, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Ihara). Noes, 2 (Slom, Trimble).

Stand. Com. Rep. No. 3328 (H.B. No. 2527, H.D. 1, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3328 be adopted and H.B. No. 2527, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

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

"I certainly support smart policies and smart language and everything else. But smart growth policies have a particular trend to them—they mandate people to do things, they force people to do things. From the decisions made by an elite group of planners and as we've seen in our island and our state over the last several decades, this elite group of planners have made some very poor decisions. But now to mandate this under the guise of smart growth I think is wrong. Again I would advocate the use of incentives to encourage people to go in the direction that certain people think they should, but not to penalize them if they don't. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3328 was adopted and H.B. No. 2527, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMART GROWTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

THIRD READING

H.B. No. 1978, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1978, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senator Trimble rose to speak in favor of the measure with reservations and stated:

"I guess we're being taken out of order this morning. I rise to express reservations. My reservations quite clearly are because it is restricted to my district, a portion of my district.

"Colleagues, this bill would make it illegal to defame, no defecate in a particular contiguous area that includes the State Capitol. It doesn't prevent the same activity to occur in Kailua or Hawai'i Kai. And, you know, it kind of addresses the entire futility of what we try and do because the real problem is, number one, a lack of public restrooms, which might go to some degree to take care of the problem. And number two is we run the risk of somebody defecating just so that he'll have a nice place to sleep that evening.

"You know I have reservations. The colleague to my right may vote against this measure, but I think we need to think what kind of law we enact and when we don't really address the fundamental underlying issues. Thank you."

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

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

"Again what we're doing, colleagues, is we're treating a symptom and not only a symptom, but very selective—just one particular district. I don't doubt that the citizens in my colleague's district are very upset with what goes on. We all would be, just like graffiti. But to pass a law and just limit it to this one district I think is skirting the real issue. And the real issue, as my colleague pointed out, is public restrooms. And we've talked about this for many, many years. You go to any major city in the nation and you'll find that in the downtown areas, in areas such as our Chinatown, here, our Capitol district, there will be restroom facilities. So if we don't want people to defecate or urinate, then that's what we should do. We should take some of that budget money or some of that special appropriations money and apply it to something that really is needed. Thank you."

The motion was put by the Chair and carried, H.B. No. 1978, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 1 (Trimble). Noes, 2 (Hemmings, Slom). Excused, 2 (Gabbard, Hee).

H.B. No. 2977, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 2977, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

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

"Colleagues, this is a wonderful bill that does absolutely nothing. When it was first introduced, it specified that when you're worried about invasive species—and I think the Chair from the Big Island spoke in favor of it—when you're worried about invasive species, priority should be given to the eradication of the coqui frogs. And there was discussion in committee, and it was mentioned that if you just merely focused on coqui frogs, there might be other priorities that somehow did not get addressed in the order in which they should be addressed. So, to make everybody happy, this bill was amended so that it finally wound up with if you have a program or plan to eradicate coqui frogs, that's what you're going to do. Can you imagine that we as legislators are thinking that people outside this building would actually start behaving the way we do? That you would need to pass a law that says if you have something in your title, that's what you're supposed to do? Because that's all the bill does, all it does is say if you have a program to eradicate coqui frogs, then you should eradicate coqui frogs. Come on, can't we do better law? Thank you."

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

"I rise in support, Madam President.

"You know, I appreciate the previous speaker's good humor and it doesn't surprise me that given the district that's being represented, that you'd probably may be familiar with the defecation in public places but not quite so familiar with the coqui frog issue.

“And this is a debate, this bill is about a debate that goes on within rural communities that are affected by the coqui frog. And a lot of funds have been appropriated to deal with this issue, and there is a constant push-pull among the people in control of these funds trying to direct them. And the argument is whether or not the funds should be used to control as opposed to eradicate or to educate as opposed to manage. There are some communities where it’s not possible to eradicate the frogs and so those communities want the direction to be on control. There are other communities where there’s just a tiny little bit of frogs there and the objective is to eradicate. And so this one line makes it very clear and sends a very strong and important message that eradication should be the priority—and so it is. While at first glance it may seem like an unnecessary measure, for those communities affected by this frog, you can believe that this is a very important issue. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2977, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 3002, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 3002, H.D. 1, 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, I rise hesitantly in opposition to this measure.

“This measure is, has wide support in my district. I would like to note for the record that the committee report does not do justice or it says there’s clarification because what you’re doing is putting a new offense in the statute, which is—and I guess there’s, you know, economists talk about demand and supply, this is on the demand side of the prostitution equation regardless of gender. And it talks about the habitual requestor or demander. And what it does, colleagues, is—and where I have the real problem is—the level of the penalty. You know, it’s my understanding of law that the penalty for violating the law should bear some relationship to the size or the quality of the offense. And what I find interesting is that they’re making the offense of the habitual requestor to be a class C felony, which is punishable by up to five years in jail.

“Now, that is the same penalty that would be afforded or meted out against a madam that ran a brothel with fifty to a hundred working people in it. Now, does that seem like that is fair? Or let us look at the penalty for a—what do they call those guys?—oh, pimps. A pimp who has a bevy of whatever you call these things, the penalty for that is a misdemeanor. Is it reasonable to have one whose business it is providing as a misdemeanor and somebody else who’s merely a habitual requestor to be a felony? I don’t think that the punishment fits the crime. And I would be willing to vote straight up on it if you reconsidered and equalized the punishment with the offense. Thank you.”

The motion was put by the Chair and carried, H.B. No. 3002, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROSTITUTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 3383, S.D. 1:

Senator Taniguchi moved that H.B. No. 3383, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose to speak in opposition as follows:

“I rise in opposition to this measure.

“Colleagues, this is really exciting. The Committee Report again says that the reason for the law is for clarification, that somehow the law was ambiguous. And who made the suggestion that it was ambiguous? It seems like it was the public defender. And I guess the role of the public defender is to get the lightest sentence possible for his client. If you read the law, it provides that if multiple sentencing is done on a single day, then it would be assumed that the sentence run concurrently unless the judge specifies otherwise. However, if the sentencing for crimes is done on separate dates, then it will be presumed—if the judge doesn’t say what he wants—that the terms will be done consecutively.

“What this bill does is it doesn’t remove any ambiguity because there was none. What this bill does is say whether the sentencing for multiple offenses is done on the one date or several dates, it will run concurrently unless specified otherwise by the judge. So, number one, I don’t think we should be soft on crime. And number two, I think that the Committee Report should be straightforward and believable on the surface. Thank you.”

The motion was put by the Chair and carried, H.B. No. 3383, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Trimble, Whalen). Excused, 1 (Inouye).

Stand. Com. Rep. No. 3342 (H.B. No. 3173, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3342 be adopted and H.B. No. 3173, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

“Madam President, I rise with reservations on this measure.

“Colleagues, I’d sort of would like to insert the remarks that I made concerning the language that we’re coming back to amend—the remarks that I made in the 2006 Session, just two years ago. And it would be nice if those remarks were inserted as my own in the present discussion.

“What I have a problem with is the nexus between the words 72 hours and immediate. It is not clear in my own mind why immediate is considered within 72 hours. Thank you.”

The Chair having so ordered, Senator Trimble’s remarks from the 2006 Session read as follows:

“My opposition is limited in scope. It has to do with the fact that DLNR does not have expertise in this issue. I think it’s important before we pass this law that we hear from the coast guard, and I also think that it’s appropriate that the person from DLNR that seeks to take command of a vessel or have it removed from a reef do so only with consultation with the coast guard. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3342 was adopted and H.B. No. 3173, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GROUNDED VESSELS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

¹ Request withdrawn at later date

Stand. Com. Rep. No. 3349 (H.B. No. 602, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3349 be adopted and H.B. No. 602, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“What this bill does is extend the repeal date of the law that provides \$90 million in tax revenues to the state education special fund. We all want to see the rehabilitation and repair work done on our schools. We’ve complained in this Body about how long it’s taken, and we have passed legislation such as this in the past to make sure that there’s more money available to do that. But then the chickens are coming home to roost because we find out the problems that were complained of before—that even if you have just have the money there, the sheer magnitude of the jobs and the DOE’s bureaucracy and the process, the procurement process, takes a long time. And so we have not gotten the money expended, and so now we’re extending the date of this Act.

“What we should do really is take a look at it and have a more realistic target and make sure that we can meet these deadlines and also meet the expenditures, which may be far less than \$90 million, even though we would like to spend that money, we find that we can’t do it in an annual period. Thank you.”

Senator Trimble rose to speak in opposition as follows:

“Madam President, I also rise in opposition.

“And the only reason I’m rising in opposition is I think that my good colleague from Hawai‘i Kai missed something—in fact, the most important part of why we are considering this measure. In a sense we are creating a rainy day fund for schools that we, the Legislature, because we know that they can’t spend it fast enough, will have available for us to raid when times really do get tough. And I think you ought to—when we look at legislation and when we pass legislation—look at how the general public is viewing what we’re doing. Why should we be voting to create another rainy day fund that we can raid? I suggest that it might make sense to vote ‘no’. Thank you.”

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

“Madam President, I reluctantly rise. After the last speaker’s remarks I had to get my support for this measure on the record because it’s clear that the last speaker does not understand what this special fund is designed to do. It was created to allow us to convert bonds into cash to give the department the ability to leverage other funds available for our repair and maintenance. It’s been on the books for a number of years. It’s worked very successfully. It’s modeled a little bit after the DAGS fund. It also was designed to take off the entire sunset, but because of the times, we felt it more appropriate just to extend the sunset. But I would note for the record that we have been putting significantly more into the repair and maintenance fund than the \$90 million. So I don’t think some of the concerns of the previous speaker were founded and actually there’s no desire on any of our part to raid this measure for the future, for now or in the future. Thank you, Madam President.”

Senator Trimble rose to speak in rebuttal as follows:

“Madam President, I reluctantly rise.

“Colleagues, a fox is a fox is a fox. And it would be presumptuous on our part to assume that the fox really will guard the henhouse. Pure and simple—it’s a rainy day fund,

slush fund, for us to raid when times get tough. No question in the public’s mind as to what we’re doing today. And, you know, it truly is amazing how we can take ourselves so seriously when nobody else does. Anyway, thank you, Madam President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3349 was adopted and H.B. No. 602, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3350 (H.B. No. 2429, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3350 be adopted and H.B. No. 2429, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

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

“Here we’re talking about the possible construction of a new stadium in West Oahu. We had an Aloha Stadium Study Committee. We’ve talked about this for a number of years—almost a decade. We know the cost of rehabilitating the stadium. What the studies and what the alternatives have been, though, are to have maybe public-private partnerships. But we’re not really looking at this realistically from the standpoint of how much stadiums cost, what’s been happening on the mainland, the trend in terms of corporate sponsorship. And what we’re talking about here is really obviating the study that has been made.

“I think that we should look at this seriously but also listen to people in the industry, and they have given us alternatives other than taxpayers’ money for a new stadium. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3350 was adopted and H.B. No. 2429, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RECREATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3352 (H.B. No. 2687, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3352 be adopted and H.B. No. 2687, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senators Tokuda and Taniguchi requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3352 was adopted and H.B. No. 2687, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 2 (Taniguchi, Tokuda). Noes, none.

Stand. Com. Rep. No. 3353 (H.B. No. 2843, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3353 be adopted and H.B. No. 2843, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose on a point of inquiry as follows:

“Could I ask a point of information, point of inquiry?”

The Chair responded: “State your point.”

Senator Trimble then said:

“Before I stand up and talk for a while, I was just curious. Do we know how much money we need to raise, to fund whatever program we’re anticipating? And do we know how much this measure, proposed measure, would raise in relation to that? Or do we know how tonnage goes through the Port of Honolulu?”

The Chair questioned:

“Are you directing your inquiry to me or are you directing it to anyone in particular?”

Senator Trimble responded: “Anyone.”

The Chair inquired:

“Is there any... Do you wish to redirect it to the chair of Ways and Means or subject matter Chair on this particular issue?”

Senator Trimble replied:

“Whoever has the information would be acceptable.”

The Chair then stated:

“I can tell you that I do not have that information, Senator Trimble. We can get back to you on it. Ways and Means? Anybody else? I’m sorry, Senator Trimble, there’s no one to take your point of inquiry.”

Senator Trimble then said: “Then may I rise in opposition.”

The Chair replied: “Please proceed.”

Senator Trimble continued:

“Thank you. You know, there was speech earlier today about paperless. And I think one of the results of paperless is that we’re not getting people to testify on measures that affect them. If you look at the people that came down and testified, the people that it would affect the most were not there weighing in. My sense is that this will generate—and there were no numbers given for how much money we need to collect from the program—so my sense is that the amount of money it will collect is in the neighborhood of \$16 million to \$20 million. That’s a good chunk of change, friends.

“And the people that did not testify, did not notice it, are people that aren’t aware of it because the bill that we were modifying was a container tax. This is not a container tax—this is a weight tax. So in addition to containers, it affects stuff that comes into Hawai’i in bulk. That may be sand, that may be gravel, that may be coal, that may be aviation fuel, that may be crude oil. And when you look at the capacity of the refineries in terms of their combined capacity in terms of perhaps 150,000 barrels a day, and each barrel of 42 gallons at 7-1/2 pounds a gallon—that’s a lot of money. They haven’t testified because they didn’t know. You know, is paperless going in the direction of people-less? Because the people who it affects don’t know what’s happening?”

“The other reason to vote against this measure is that the cargo that is paying the most is not the cargo that is endangering the islands in terms of invasive species. And there is no fee on the conveyance when, in fact in many cases, it’s the conveyance that brings the endangered species—not the cargo.

“So, because we do not know how much this will collect, because we do not know who it is going to affect, because it is a tax and not a fee, we should oppose this measure. Thank you.”

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

Madam President, unfortunately I can’t *Google* that fast enough to get all of the information that Senator Trimble wishes, but I do wish to speak in favor of this measure.

“Let me first start out by saying that every day we have numerous threats entering our islands, whether it’s through our airports and our harbors, that could potentially impact our over \$500 million agriculture industry as well as our very way of life. While many of these threats are relatively small—there might be a mite, an ant, a snake, or a wasp—the potential impacts to our local economy is very great.

“If the brown tree snake, as I’ve mentioned before, were to enter our islands in a container of household goods brought over from Guam, the estimated annual loss projected by the Department of Agriculture to our state is \$500 million to \$1 billion annually. If a varroa mite were on the back of a bee and hitched a ride on an airplane heading to Kona, we could very quickly see the complete loss of the Big Island’s \$4 million plus queen bee industry, which regularly ships bees to all of North America and—especially given colony collapse disorder—has become one of the very few importers that have varroa-free queen bees that are available for shipment. If the varroa mite infestation were to continue and move to the neighbor islands as well, the estimated loss to our agriculture industry has been projected up to between \$42 million and \$62 million annually.

“Based upon DLNR as well as DOA’s projections, and I just found out looking through the testimonies that we did receive at our committee hearings, the estimated annual income coming in from this fee is \$7 million, between \$6 million and \$7 million. And this is based upon the current amount of tonnage coming in from air freight as well as maritime freight. It has also been given to me information that, on an annual basis—and this is based on fiscal year 2006, so this might be older numbers—we have \$14,200,000,000 pounds coming in on a regular basis from both air and maritime—a majority coming in through maritime freight as well.

“Currently only maritime, marine containerized freight are assessed a fee. This measure would broaden the scope of the present invasive species fee and equally distribute the responsibility of fighting invasive species among all modes of our commercial transportation. I do not have the exact figure of how much our biosecurity plan will cost, but I can tell you it is in the millions of dollars—not just for the physical facilities that will be required, but the manpower and the operational expenses that will be required to protect all of our ports as well as all of our airports.

“So, colleagues, I strongly encourage you to support this measure.”

Senator Trimble rose and said:

“I rise to offer brief remarks. Number one, I’m not disagreeing with the need. What I am disagreeing with is the process. I’m disagreeing, I’m stating that the people who are going to wind up paying this tax did not know that they were being affected. I’m also suggesting that a more appropriate way to do it would be to have funded out of general funds—not a tax on cargo. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3353 was adopted and H.B. No. 2843, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3354 (H.B. No. 2872, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3354 was adopted and H.B. No. 2872, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3356 (H.B. No. 2972, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3356 be adopted and H.B. No. 2972, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3356 was adopted and H.B. No. 2972, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 5 (Fukunaga, Ige, Ihara, Nishihara, Taniguchi). Noes, none. Excused, 1 (Whalen).

Stand. Com. Rep. No. 3357 (H.B. No. 3016, H.D. 3, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3357 be adopted and H.B. No. 3016, H.D. 3, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Madam President, I rise to support this measure with reservations.

"While I certainly support the right of these law enforcement officers—DOCARE particularly, specifically—to have alternative weaponry including tasers, I think that every time that we do this, we give more weaponry to law enforcement and we deny our citizens the choice and the ability to defend themselves. We set up situations that we have seen many times early this year. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3357 was adopted and H.B. No. 3016, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3358 (H.B. No. 2710, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3358 be adopted and H.B. No. 2710, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

"Colleagues, this, this, you know, every year we come back or every two years we come back and we talk about the need to retain state employees after they retire. Now either there's something wrong with the retirement system and that's why they want to come back to a state job but first they need to retire—or there's something wrong with the way that we hire people to enter the civil service system. If you want good employee morale, there has to be promotion opportunity. And when you keep hiring retirees and bring them back to the old

job, it's probably not jobs at the bottom of the civil service structure; it's probably jobs toward the top.

"So, one, if the retirement system isn't working, if the criteria of the retirement system isn't working, then let's change it. Otherwise let's allow the civil service system to promote people so that it continues to allow employees to grow and be productive members of the civil service system. Thank you."

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

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

"Colleagues, this measure was brought forth by the council of mayors as well as some of the state departments because a number of senior individuals in critical positions as well as categories of workers are approaching retirement—they are baby boomers, they're engineers, they're architects, they're in short demand—in short supply, rather—in our larger workforce and in high demand. And what this measure would do is allow in some of these shortage categories in critical areas, after the individual retiree to come back had been out for a year; and be a mentor, fill in part-time, help make sure that the work is being moved forward while a department is recruiting, attempting to hire, maybe train, to move people in. This is not a wholesale indictment of the retirement system or the civil service system. It's simply an acknowledgment of the coming tsunami of seniors that are going to be retiring from both private sector and state government, and an attempt to provide a way to ensure that some areas are not adversely and terribly impacted by the retirements that are coming. Thank you, Madam President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3358 was adopted and H.B. No. 2710, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REEMPLOYMENT OF RETIREES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3359 (H.B. No. 2531, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3359 be adopted and H.B. No. 2531, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3359 was adopted and H.B. No. 2531, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3360 (H.B. No. 2387, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3360 be adopted and H.B. No. 2387, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows"

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

"This is one of a series of workers' comp bills again that forces additional restrictions and regulations and costs on employers. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3360 was adopted and H.B. No. 2387, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO

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

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

Stand. Com. Rep. No. 3361 (H.B. No. 2978, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3361 be adopted and H.B. No. 2978, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3361 was adopted and H.B. No. 2978, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3366 (H.B. No. 2045, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3366 be adopted and H.B. No. 2045, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Madam President, I think my colleague to my right is going to speak. I'm standing in opposition to this measure.

"I wasn't the designated batter for this particular one so I may not give his remarks. We have an East-West Center. We have a Spark Matsunaga Peace Institute. Here we have another thing that we're asking the University to do without funding. The University of Hawai'i is wonderful. It is the university that always says yes but somehow can't prioritize, continues to expand its programs but it can maintain the buildings that it already has. We cannot continue to ask the University of Hawai'i to expand its programs without increasing increases in funding or we will never get a campus which is able to maintain its buildings. Thank you."

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

"Madam President, in 1999, Hawai'i on behalf of the United States hosted the Millennium Young People's Conference, where over 100 countries participated by sending youth representatives to our islands from their countries to discuss critical world concerns such as world hunger, protection and restoration of the environment, adequate shelter, cultural understanding and world peace. This has inspired world leaders to follow suit and host international youth summits in their countries, including Morocco, Scotland and Canada.

"The recommendations made from the summits have been shared with all country leaders around the world and has resulted in numerous youth action projects in these participating countries to address the concerns identified by young people. The Global Youth Center legislation before us formalizes and provides State recognition of this ongoing work establishing a center within the East-West Center that can bring nations' young people together to work towards positive and meaningful changes in our world. Thank you for your support, colleagues."

Senator Slom rose to speak in opposition as follows:

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

"As the good Senator from Downtown and Chinatown and defecation area and so forth had said, this really is a duplication

of agencies that we already have right now. The University of Hawai'i, in testifying on this bill, said that they didn't know where the center would be placed within the University. They also questioned cost estimates, although at the moment there are no costs that have been produced.

"I have no problem with a private global youth center. I do have problems with yet another government program. And as the testifiers and the strong supporters have indicated, this really is an extension of United Nations policy, United Nations goals, United Nations principles, which unfortunately happen to be in contravention with a number of our goals and mission and principles. So as I say, from a private standpoint, I can't argue. But when we put the government seal of approval on this, I have a lot of arguments and vote 'no' on it. Thank you."

Senator Taniguchi rose to offer a point of order as follows:

"A point of order, Madam President.

"Could we direct the Senator from Hawai'i Kai not to characterize the Senator from Waikiki-Downtown as the Senator from the defecation area?"

The Chair stated:

"I believe Senator Taniguchi is raising a point under Senate rules under decorum and would appreciate if you would not characterize..."

Senator Slom replied:

"I certainly agree, and I apologize to the Senator to my left and to the sensibilities of the Senator from the Judiciary Committee."

The Chair stated: "You could please rise when you speak."

Senator Slom responded: "Yes, ma'am. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3366 was adopted and H.B. No. 2045, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHING A GLOBAL YOUTH CENTER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3369 (H.B. No. 2293, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3369 was adopted and H.B. No. 2293, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3372 (H.B. No. 2511, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3372 was adopted and H.B. No. 2511, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3375 (H.B. No. 3352, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3375 be adopted and H.B. No. 3352, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

“Madam Chair, I have some remarks to be inserted into the Journal.”

The Chair so ordered.¹

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3375 was adopted and H.B. No. 3352, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AN AUDIT OF THE HAWAII DISABILITY RIGHTS CENTER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3376 (H.B. No. 3367, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3376 be adopted and H.B. No. 3367, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in favor of the measure with reservations as follows:

“Madam President, I rise in support of this bill with strong reservations.

“I spoke about the Senate version of this bill earlier. I’m very happy that the surcharge has been reduced from 66 cents per month to 43 cents per month. However, it should be reduced to zero. The initial requirements for that surcharge have already been met, and right now the state is banking that fund, looking for ways to spend it. I also note that in the purpose clause in the introductory to the bill, the sponsors make a very valiant attempt to make sure that we know that this is a surcharge but it’s not a tax. Well, I guess I’m from the old school because if you’re forced to pay it, and there’s no way around it, it seems to be a tax to me. And that’s what it is to everyone else. We’ve also found out that in terms of the construction of additional facilities, as I say, they have been met and so this should be eliminated; but for the time being I’ll take the reduction. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3376 was adopted and H.B. No. 3367, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3377 (H.B. No. 2961, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3377 be adopted and H.B. No. 2961, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

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

“One of my favorite bills. It keeps coming back all the time. It’s called streamlining tax but actually is an additional way of taxing people, particularly with the growing use of the Internet. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3377 was adopted and H.B. No. 2961, H.D. 2, S.D. 2, 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, 4 (Hemmings, Slom, Trimble, Whalen).

Stand. Com. Rep. No. 3378 (H.B. No. 7, H.D. 1, S.D. 1):

On motion by Senator Kokubun, seconded by Senator Ige and carried, Stand. Com. Rep. No. 3378 was adopted and H.B. No. 7, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE I-SAVERX PRESCRIPTION DRUG PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3379 (H.B. No. 2526, S.D. 2):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Stand. Com. Rep. No. 3379 was adopted and H.B. No. 2526, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE STATE PLAN,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3385 (H.B. No. 3196, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3385 be adopted and H.B. No. 3196, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“This was a bill that initially had a \$2 per day surcharge for the use of public facilities. Then it was raised to \$3. The \$3 was supposed to sunset this year in August. That has been taken away. We have a blank amount and in testimony we had some people that were saying that it should be raised as high as \$6 per day. It’s an unfair cost. It is a cost that is borne at least by one-third, by local people who rent cars and we don’t have a purpose for the use of that money—just to gain additional revenues. It’s a bad bill. I oppose it. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3385 was adopted and H.B. No. 3196, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3388 (H.B. No. 3151, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3388 be adopted and H.B. No. 3151, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“This was a bill that had to do with electronic permitting fees for the Department of Health. And we’re going to have a bill later on that has to do with permitting fees for the Department of Land and Natural Resources, specifically the Conveyance Division. If this is good enough for the Department of Health, and the Department of Taxation, and the Department of Commerce and Consumer Affairs, it should be good enough for Conveyances also. If not, then we should oppose all of these bills and stay away from any progress or any changes that we need, that the people want, and it would give us cost savings. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3388 was adopted and H.B. No. 3151, H.D. 2, S.D. 1,

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

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3393 (H.B. No. 2685, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3393 was adopted and H.B. No. 2685, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

H.B. No. 1412, H.D. 1, S.D. 1:

Senator Fukunaga moved that H.B. No. 1412, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition as follows:

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

"We had a lot of discussion about this bill, and certainly we need the Department of Taxation to collect more revenues from those taxpayers that actually owe the revenues—but there are several things about this bill.

"First of all, it's going to create a tax, a special tax fund. Secondly, as the testimony from the tax director indicated, he's looking specially at real estate agents and the real estate industry, and there are some big taxpayers that have been widely announced as owing money and we don't seem to go after those, we go after smaller taxpayers. Thirdly, it seems that the Legislature is micromanaging and directing the Tax Department as to what its priorities should be. And I think that's a change from what we've had in the past. Thank you."

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

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

"In responding to some of the comments made by the prior speaker, I would like to direct the members' attention to the Director of Taxation's testimony on this measure before the Senate Ways and Means Committee. The Director said in order to accomplish many of the benefits that a benefits-funded ITIMS software upgrade would bring, it is necessary for the Legislature to appropriate a certain amount in order to initiate the benefits-funded contract. The Tax Director projects that the net benefits to the state general fund, according to his calculations, would be in the realm of \$98,486,500. For the reasons that were outlined in the Committee Report, I urge my colleagues to vote in support of this measure. Thank you."

The motion was put by the Chair and carried, H.B. No. 1412, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TAXATION'S BENEFITS-FUNDED REVENUE-GENERATING COMPUTER INITIATIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 3407, H.D. 1, S.D. 1:

Senator Menor moved that H.B. No. 3407, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kokubun.

Senators Ihara, Ige, Fukunaga, Chun Oakland, Sakamoto, Nishihara, Inouye and Kim also requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 3407, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 8 (Chun Oakland, Fukunaga, Ige, Ihara, Inouye, Kim, Nishihara, Sakamoto). Noes, 4 (Baker, English, Hemmings, Tsutsui). Excused, 1 (Bunda).

H.B. No. 2263, S.D. 1:

Senator Menor moved that H.B. No. 2263, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator English.

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

"Madam President, I rise in opposition to H.B. No. 2263.

"Colleagues, I draw your attention to the last portion of the bill. It's about scaling. We're not talking about Mt. Everest here. We're talking about weighing. And what the bill does is it allows, it says in pure and simple English, it says that it would permit somebody to take a container from say directly from say Pier 51 to Pier 1 and not be subject to scaling, not be subject to weighing.

"And to get directly from Pier 51 to Pier 1, you have to go on Nimitz Highway. You know, if you look at what is required, you have a container coming off a ship. It may have, depending on how much it weighs, the conveyance must have to be of a certain length, the axle must be of a certain length, it must have a certain number of tires at a minimum—and these are done to promote or to insure the safety because you're mixing heavy vehicles on the same road as you have tourists and you have residents driving around in small cars. And when you don't scale, when you don't weigh the container, you run the risk that will be put on the improper truck, or chassis, or cab, in that there are a legitimate and ascertainable risk to the public by eliminating this requirement.

"So I urge you to—you know, can we step back and think or at least call a recess before we vote for this and find out why we're endangering the public safety. Thank you."

The motion was put by the Chair and carried, H.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2929, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2929, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

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

"This is another one of those workers' compensation bills that takes away decision making and management from employers yet retains the cost. This has to do with the selection process for IME doctors. And it makes a mutual process and also requires action within 30 days. All of this sounds good except it's not going to help injured workers. If anything, it's going to increase the cost and increase the delay that injured

workers may face primarily because you're going to have more litigation. And the 30-day requirement flies in the face of reality that we have fewer doctors that are taking workers' compensation cases or being involved. As has been testified, the present system works, doesn't work well, but it works. And it's a fair system.

"What this does is take away the employer's right to have his or her own expert witness but, as I say, still maintains that they will pay for it. If employees have got to pay, I would be less objectionable to the bill. But it's not fair the way it is. Thank you."

Senator Sakamoto rose to speak in opposition as follows:

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

"I like the Judiciary Chair's working group, I am in issue on a previous bill and perhaps measures like this should have a more collaborative approach such as that. Unfortunately, though I will vote 'no' on this measure."

The motion was put by the Chair and carried, H.B. No. 2929, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 6 (Hemmings, Ige, Sakamoto, Slom, Trimble, Whalen). Excused, 1 (Bunda).

H.B. No. 516, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hee and carried, H.B. No. 516, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:29 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:11 p.m.

H.B. No. 2204, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2204, H.D. 1, S.D. 1, having been read throughout, pass Third 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.

"This bill rose out of an incident that occurred on the island of Hawai'i with a policeman and his use of his personal weapon—and the bill seeks to exempt the state and counties from absolute liability. As a firearms owner and one who is subject to strict liability, I cannot agree with this bill. I support law enforcement but don't support this exemption. If anything, we should hold law enforcement to a higher standard. Thank you."

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

The motion was put by the Chair and carried, H.B. No. 2204, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIABILITY OF A FIREARM OWNER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Ayes with Reservations, 1 (Gabbard). Noes, 3 (Hemmings, Slom, Trimble). Excused, 4 (Bunda, Ihara, Menor, Nishihara).

H.B. No. 1745, H.D. 3, S.D. 1:

Senator Taniguchi moved that H.B. No. 1745, H.D. 3, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

"Madam President, I rise against this bill.

"We've had this bill for several years now. It's the, known as the successor-employer bill. It requires that if any business is bought out, the successor-employer must retain 100 per cent of the employees. It is an unrealistic bill. It is a business hostile bill. And we were talking earlier in the day about the need to seek investment. This will not seek or ply investment in the state because no one wants to be saddled with the responsibility or the mandate that they take every employee. Just like every employer is not the best in terms of ethics or motives, the same is true of employees. Yet the manager, the employer, the owner, the investor, they are held for the responsibility for what happens to that business and what happens in the economic community. Therefore, they should have the ability to choose who they want to rehire and who they do not. Thank you."

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

The motion was put by the Chair and carried, H.B. No. 1745, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17. Ayes with Reservations, 1 (Nishihara). Noes, 6 (Hemmings, Ige, Sakamoto, Slom, Trimble, Whalen). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3415 (H.B. No. 2346, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3415 be adopted and H.B. No. 2346, H.D. 2, S.D. 2, having been read throughout, pass Third 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 think it was a good bill when we started out and the idea was to protect the welfare of a minor. The only opposition that was offered in testimony—and it was not in person—was received from the Drug Policy Forum of Hawai'i, and they were concerned that this measure would be applicable to breastfeeding women. And so there's a statement in the Committee Report that we strongly want to exempt breastfeeding women from this, whether they take drugs voluntarily or involuntarily.

"The bill is about protecting the welfare of a minor, and that should be paramount. And it is true, as we've seen over and over and over again, that many of these babies in fact come out as drug-related babies with crack cocaine and other substances. Now, as you know Madam Chairman, I was turned around on the breastfeeding issue by the good Senator Chun Oakland, and I am a strong supporter of breastfeeding. However, this bill, I repeat, is about the welfare of minors. And we should not take that into consideration if we're really concerned about the safety, health and welfare of the minor. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3415 was adopted and H.B. No. 2346, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," having

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

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

Stand. Com. Rep. No. 3416 (H.B. No. 2589, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3416 be adopted and H.B. No. 2589, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Gabbard rose to speak in support of the measure and stated:

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

“Madam President, colleagues, on Friday of last week—and you may have noticed this, Madam President, on your way home from work—thieves made off with another mile of copper from the H-1 freeway in my district. And the lights on the H-1 from Kunia to Makakilo have been out for over a year because the thieves have repeatedly stolen the copper wire. And while a possible fix of aluminum wiring is being seriously considered by the DOT, the reality is at this moment copper wire is like gold to members of our community and members of our state.

“So this bill would make it a little harder by requiring another step in the scrap metal transactions. One of the metal recyclers in my district out at Campbell Industrial has been doing this for over a year now. And he says requiring copper purchasers to do it by check is working great. So I think that anything we can do to get this problem under control is a step in the right direction. Thank you. And I urge my colleagues to vote up on it. Thank you.”

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

“Madam President, I rise in opposition.

“Colleagues, when we make law, we should compare what is being stolen, what is being sold. We do not require pawnshops to issue checks if somebody hocks a diamond ring. Why, then, do we wish to require that a check be used if they try to recycle copper? We should treat businesses and similar transactions in similar light.

“Now the testimony that was given is that the people that were stealing the copper in some instances were homeless. And that this would make it more difficult for a homeless person, who may not have a permanent address, to get paid. The people that did not testify are the contractors in our community that recycle but they leave the copper to the side in case they have an emergency, they run short of cash, so that they can load it on their truck, they can take it to the recycler, and they can get cash for it. Why should we be penalizing the contractor if we are trying to get at the person that is stealing the copper? It doesn't make sense.

“We should treat things based on value. And we have similar requirements—not whether it's copper recycling. We should look at similar treatment in this instance between pawnshops and copper recycling. It doesn't make any sense to do things differently. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3416 was adopted and H.B. No. 2589, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCRAP METAL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3418 (H.B. No. 2450, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3418 was adopted and H.B.

No. 2450, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LAND USE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3420 (H.B. No. 3249, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 3420 be adopted and H.B. No. 3249, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Slom rose to speak in favor of the measure with reservations as follows:

“Madam President, please record my reservations on this bill.

“I was erroneously under the impression, first of all, that it was illegal to park in a bike lane. But I think my reservations with this particular bill is the size of the penalty—\$500, up to \$500—for parking in a bicycle lane. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3420 was adopted and H.B. No. 3249, H.D. 1, 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, 22. Ayes with Reservations, 1 (Slom). Noes, 1 (Whalen). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3422 (H.B. No. 3422, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3422 be adopted and H.B. No. 3422, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“This is another tax increase in sheep's clothing. And the bar association collection services testified against it. What it would do is add surcharges to district and civil court proceedings for use for indigent services. I have a separate problem with indigent services and the amount that's spent on them, but that's beside the point. The real problem here is that this is going to be a very costly venture.

“Now the amount of the surcharge is not specified in the bill. But I would ask my colleagues to consider anytime anyone files anything in district court or circuit court, at every step of the way the surcharge will apply. So it's an additional filing fee and it's going to, I guess, make indigents out of a number of people that right now are struggling to go through our court system.

“But it's a very bad bill. It's a very bad precedent. We already have surcharges in family court, but they are for specific functions. And I don't think that this one measures up. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3422 was adopted and H.B. No. 3422, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3424 (H.B. No. 2456, H.D. 2, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3424 was adopted and H.B. No. 2456, H.D. 2, S.D. 1, 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 (Bunda, Ihara).

Stand. Com. Rep. No. 3429 (H.B. No. 2137, H.D. 2, S.D. 3):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3429 was adopted and H.B. No. 2137, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3430 (H.B. No. 2047, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3430 be adopted and H.B. No. 2047, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

"What this does is it expands the list for what an individual development account may be used for. It expands it to include the use of savings for an automobile. I've consistently looked at driving in an automobile is a privilege, not a right. I don't think you've heard my speech by now yet, so I again will get up and remind you that we do not need to expand this program. And we certainly don't need to include an automobile. Thank you."

Senator Chun Oakland rose to speak in support to the measure and stated:

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

"Two years ago the Department of Human Services with the assistance of the Blueprint for Change traveled statewide to discuss community needs utilizing TANF funding. One of the significant findings found in the resulting TANF Strategic Plan recognized the challenge that rural and neighbor island communities in particular had with the need for reliable transportation to be successful in their jobs. Families receiving TANF assistance expressed that they had difficulty fulfilling work requirements because they had no dependable means of transportation. Having a reliable automobile to get to work was ranked by them as one of the highest priorities.

"This measure would encourage families to save their money to purchase an automobile along with the opportunity to save for education, to purchase a home, or to start a business. The passage of this bill is an important part of the state's asset building strategy. Thank you very much."

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

Madam President, I rise in opposition to this bill.

"So now we're going to have these folks have cars, and we're going to help them start businesses, and we're going to do all these things. Look, if we really want asset building, cut the taxes. Cut government spending. Cut the mandates. Cut the bills that are anti-investment, anti-business. That's the best thing that we can do for true asset building. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3430 was adopted and H.B. No. 2047, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL DEVELOPMENT ACCOUNTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Ihara, Taniguchi).

Stand. Com. Rep. No. 3431 (H.B. No. 2661, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3431 be adopted and H.B. No. 2661, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Trimble rose to speak in opposition to the measure as follows:

"Madam President, I rise in opposition to H.B. No. 2661.

"I do not understand, colleagues, the logic behind the state issuing tax-free bonds for an activity which does not qualify, does not allow you to receive that benefit from the federal government. Maybe these bonds are being sought for some other reason. Perhaps it is being sought as a method of trying to convince potential donors or investors to invest in this activity. But if we're looking at it purely from the simple point of view of why are we issuing tax-free bonds to, for an activity that doesn't qualify for the treatment by the federal government as tax free. Thank you.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3431 was adopted and H.B. No. 2661, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3432 (H.B. No. 2811, S.D. 2):

On motion by Senator Baker, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 3432 was adopted and H.B. No. 2811, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 4 (Hemmings, Slom, Trimble, Tsutsui). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3433 (H.B. No. 2506, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3433 be adopted and H.B. No. 2506, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Madam President, I rise in opposition to H.B. No. 2506.

"Colleagues, the intention of this measure is honorable—it has to do with planning, it has to do with should we have an Energy Department, should we have an Energy Office, what should be included in it. My objection is that we know the direction that we need to go in. We know that we need to take these steps incrementally. We do not need to have a long term strategy that refocuses our activities and our efforts against trying to move more rapidly in the direction of greater energy independence. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3433 was adopted and H.B. No. 2506, H.D. 2, S.D. 2,

entitled: "A BILL FOR AN ACT RELATING TO REORGANIZATION OF STATE AGENCIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3434 (H.B. No. 2438, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3434 be adopted and H.B. No. 2438, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

Senator Trimble rose to speak in opposition to the measure as follows:

"Madam President, I rise in opposition to H.B. No. 2438.

"Colleagues, what bothers me is, is that the people that will benefit from this bill, the primary beneficiaries are the private sector—the private sector in terms of Philip Morris and R.J. Reynolds. Why are we doing something that benefits them? And the second thing that bothers me is the cigarette companies put a lot of things in their cigarettes—you know, it would be nice if it were, if we could go back and have organic. But they actually put niter, impregnate the tobacco with niter, so that the cigarette would burn faster, would not go out, and then they come to State Legislatures and they say, yeah, if we use this special paper, we can slow it down. Why don't we just ask them to remove the niter from the cigarette and then we probably wouldn't need the special paper. Thank you."

Senator Baker rose to speak in with reservations in support of the measure and stated:

"Madam President, I rise with strong reservations on this measure.

"The reason I have reservations is because I don't think we have the kind of problem that the so-called fire-safe cigarettes are designed to address in our state. I agree with the Senator from Waikiki, that these would be benefiting one of the major tobacco companies to no benefit to consumers and that the potential long term monetary impact to the state has not been fully explored.

"I think this measure should have had a Ways and Means referral because my discussions with proponents of this measure and in some of the information I have read put out by the Attorney General suggests that there's going to be an additional regulatory scheme that's going to be required and it's going to cost the state additional resources that we will not be recouping. For these reasons I have grave concerns about this measure really moving forward. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3434 was adopted and H.B. No. 2438, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 4 (Baker, Chun Oakland, Kim, Nishihara). Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 2 (Bunda, Ihara).

Stand. Com. Rep. No. 3435 (H.B. No. 3386, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3435 be adopted and H.B. No. 3386, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Hee.

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

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

"I've spoken about this before. Basically it adds additional attorneys and additional costs, whereas we have a procedure in place if there is a conflict declared by the attorney general. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3435 was adopted and H.B. No. 3386, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3437 (H.B. No. 2040, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3437 be adopted and H.B. No. 2040, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

"Madam President, concerning H.B. No. 2040, I have a point of inquiry.

The Chair inquired: "Who are you directing your inquiry to?"

Senator Trimble answered: "I'd like to direct it initially to you, Madam President."

The Chair replied: "Please proceed."

Senator Trimble inquired:

"This bill was originally part of the Keiki Caucus but comes to us in very different form than what was originally introduced. And I just wasn't clear if this is still supported in its present form by the Keiki Caucus?"

The Chair responded:

"Senator Trimble, I am probably the worst person to ask. I have no idea whether it's supported in its present form by the Keiki Caucus because I have not gone to Keiki Caucus meetings recently. So do you wish to continue?"

Senator Trimble then said: "Can I yield the floor to the good Senator..."

The Chair interjected: "You may sit. Any further discussion?"

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

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

"Keikis or not, this really is not a good bill for the economy because it mandates conditions and arrangements within commercial and industrial leases which the government has no business in, and additionally creates a new department—the Department of Planning and Sustainability. It will be costly. It won't do anything to help our economy, but it will be on the backs of taxpayers. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3437 was adopted and H.B. No. 2040, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII'S ECONOMY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3438 (H.B. No. 3191, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3438 be adopted and H.B. No. 3191, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

“Madam President, I rise in support with reservations.

“We go through this every year. I am in support of picking up and adopting the changes in the Internal Revenue Code. But for more than two decades now, there is one prominent item in the Internal Revenue Code that we don’t adopt, and that is the value of the personal exemption. I keep asking the question why is it that a person in Hawai’i—a personal exemption—is worth one-third less than in the nation as a whole. And the only answer that I’m given is its great revenue for the state. I think it’s demeaning, I think it’s disrespectful and I think it’s dishonest to treat taxpayers in Hawai’i less than taxpayers in the other 49 states. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3438 was adopted and H.B. No. 3191, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Slom). Noes, 1 (Trimble). Excused, 1 (Ihara).

Stand. Com. Rep. No. 3440 (H.B. No. 2376, H.D. 1, S.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3440 was adopted and H.B. No. 2376, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3441 (H.B. No. 2388, H.D. 1, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3441 be adopted and H.B. No. 2388, H.D. 1, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition to the measure as follows:

“Madam President, I rise in opposition to this bill, which is the trifecta for the bad workers’ compensation bills. It requires the employer to continue paying for medical services while those additional medical services are under review and in dispute. And if it turns out in the end that the additional expenses were not justified, there is no mechanism in this bill to require the employee or anyone else to pay back the employer. I think it’s unfair. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3441 was adopted and H.B. No. 2388, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3445 (H.B. No. 2704, H.D. 2, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3445 be adopted and H.B. No. 2704, H.D. 2, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“We’re talking about preservation of Ha’iku Valley and we’re also talking about giving the Preservation Council—and ultimately the valley—to OHA, and I think our concern in the Senate has been for an audit for OHA’s activities, both the financial and managerial audit. And I think that anything else that bestows more money or more power to OHA should wait until that audit is complete. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3445 was adopted and H.B. No. 2704, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HA’IKU VALLEY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3446 (H.B. No. 2302, H.D. 2, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3446 be adopted and H.B. No. 2302, H.D. 2, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

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

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

“This is a bill that I referenced earlier. It’s a bill that would allow for electronic filing for conveyances. The interesting thing about this is I don’t know where the opposition is coming from. As I mentioned during the previous bill, we’ve set up electronic filing for DCCA; it works terrifically. We’re trying to set it for DOTax, for also Department of Health, and here we come to Department of Land and Natural Resources and specifically the Bureau of Conveyances, which has been a very troubled, troubled division for many years.

“The investigating committee came out and this is one of their recommendations. The director of DLNR put together a task force that had all of the stakeholders, including employees and the unions, and everyone supported this idea. Why we are waiting now and saying we need yet another study and we need to wait another year, I don’t know what the danger is, I don’t know what the responses have been because no one seems to be able to find out.

“It should be a smooth transition. We have the vendor, we have the security, we have the opportunity to look at other agencies that have done this. And everybody is screaming that it takes so long to get your conveyances recorded, and that adds cost. Why we can’t do this I don’t understand. Why we need more study and a year’s delay I don’t understand. I don’t know what the problem is. I’d be very happy if someone could explain it to me today. Thank you.”

Senator Kokubun rose to speak in support of the measure and stated:

“Madam President, I stand in support of this bill.

“First of all, this bill is not a study. In fact, it has been amended so that we will allow the Department of Land and Natural Resources to move forward with planning and designing the electronic recordation system, and then they can come back to us next session and ask for the funding to actually implement.

“One of the major stakeholders actually that was not present during all of the discussion was the Judiciary. As we all know, the Bureau of Conveyances deals with two ways of recording titles: one is the regular system and one is the land court system. Initially the bill that was put forward to us for consideration looked at both sides of the title recordation systems, but yet we received communication from the Judiciary, particularly from the administrator of the Judiciary with respect to the land court, which said they were not involved in the discussions regarding how this could be recorded electronically—or at least how their measures could be recorded electronically. So it was really based on their input that we decided not to move this out into a direct implementation.

“During discussion on the bill actually the Bureau of Conveyances came forward and said well then let’s bifurcate the system, let’s just do regular system on electronic recordation and leave land court the way it is. And frankly, after going through our investigative committee work, I think we want to see a very comprehensive approach to how we deal with electronic recordation for the Bureau. And in fact, in my opinion I think by splitting again the regular system and the land court system you would exacerbate the already tense relationships between the regular system personnel and the land court system.

“So I think this is a good way to move forward. I think we’re making a commitment that we will go to electronic recordation, but we want to do it in a very efficient and well-managed way. And so I would ask my colleagues to support this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3446 was adopted and H.B. No. 2302, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO REAL PROPERTY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3447 (H.B. No. 3348, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3447 was adopted and H.B. No. 3348, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION,” 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. 3448 (H.B. No. 2395, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3448 was adopted and H.B. No. 2395, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3449 (H.B. No. 2386, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 3449 be adopted and H.B. No. 2386, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Sakamoto rose to speak in support with reservations to the measure and stated:

“I stand in support with reservations. The reservations deal with the situation if there is no consensus and then the act would go into effect. I would hope the working group would have consensus, but I would hate for it to just stand at odds and automatically come into effect.”

Senators Ihara, Ige and Nishihara requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3449 was adopted and H.B. No. 2386, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 4 (Ige, Ihara, Nishihara, Sakamoto). Noes, 4 (Hemmings, Slom, Trimble, Whalen). Excused, 1 (Bunda).

Stand. Com. Rep. No. 3453 (H.B. No. 3177, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3453 was adopted and H.B. No. 3177, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT.,” 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. 3461 (H.B. No. 2256, H.D. 2, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Stand. Com. Rep. No. 3461 was adopted and H.B. No. 2256, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2085, H.D. 1 S.D. 2:

On motion by Senator Tokuda, seconded by Senator English and carried, H.B. No. 2085, H.D. 1 S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair re-referred the following Senate concurrent resolutions that were offered:

Senate Concurrent Resolution	Referred to:
S.C.R. No. 4	Committee on Water and Land
S.C.R. No. 18	Committee on Human Services and Public Housing, then to the Committee on Ways and Means
S.C.R. No. 70	Jointly to the Committee on Economic Development and Taxation and the Committee on Education
S.C.R. No. 92	Committee on Human Services and Public Housing

RE-REFERRAL OF SENATE RESOLUTIONS

The Chair re-referred the following Senate resolutions that were offered:

Senate Resolution	Referred to:
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S.R. No. 12 Committee on Human Services and Public Housing, then to the Committee on Ways and Means

S.R. No. 52 Committee on Human Services and Public Housing

At 1:45 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:58 p.m.

Senator Taniguchi, Chair of the Committee on Judiciary and Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for S.C.R. No. 67 and S.R. No. 40.

Senator Taniguchi noted:

“Madam President, these are in regard to language access.”

The Chair granted the waiver.

ADJOURNMENT

At 1:59 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Thursday, April 10, 2008.