

FIFTIETH DAY

Tuesday, April 15, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:40 a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Sarah Montgomery, Mountain View Community Church, after which the Roll was called showing all Senators present with the exception of Senators English, Espero, Hemmings, Kim, Menor and Nishihara who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 629 to 632) were read by the Clerk and were placed on file:

Gov. Msg. No. 629, informing the Senate that on April 14, 2008, she signed into law House Bill No. 2656 as Act 11, entitled: "RELATING TO CAMPAIGN CONTRIBUTIONS."

Gov. Msg. No. 630, informing the Senate that on April 14, 2008, she signed into law House Bill No. 2428 as Act 12, entitled: "RELATING TO HIGHWAYS."

Gov. Msg. No. 631, dated April 14, 2008, transmitting her statement of objections to House Bill No. 2391 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 14, 2008

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2391

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2391, entitled 'A Bill for an Act Relating to Legal Service.'

The reported purpose of this bill is to exempt pro bono legal services that do not create a conflict of interest with the duties of a deputy attorney general, from the prohibition on the private practice of law to which the Attorney General, First Deputy Attorney General, and all deputy attorneys general are subject, under section 28-10, Hawaii Revised Statutes.

I am unwilling to approve this measure. The bill appears to allow individual deputy attorneys general, rather than the Attorney General, to determine when a conflict would preclude a deputy from providing pro bono legal services. This decentralized conflict review process could result in the disqualification of all of the attorneys in the Department of Attorney General from representing the State, or a state official or agency in a particular matter.

It is my understanding that the Rules of Professional Conduct, to which all attorneys are subject, prohibits attorneys from representing a client if the interests of that client are directly adverse to the interests of another client. This rule also requires attorneys to secure knowledgeable and informed consent from a client when their responsibilities to a client, a third person, or the interests of the attorney would materially limit the attorney's ability to represent that client. I also understand that because the laws applicable to the Attorney

General's practice authorize deputy attorneys general to perform or exercise any and all duties or powers conferred on the Attorney General by law, their duties are interchangeable and each review for conflict would extend to all of the matters that all of the deputy attorneys general are handling or have handled. Thus, all officials and agencies that reasonably could be adversely affected by the deputy's pro bono work would have to be informed about the pro bono matter and its potential to adversely affect the officials' or agencies' interests, and each official or agency would have to waive the conflict before the deputy could perform the pro bono services. Effective review will require time that would otherwise be devoted to protecting the State's legal interests. Ineffective review could place the State at a serious disadvantage.

It is not my intent to bar deputy attorneys general from providing pro bono services or fulfilling the responsibilities all attorneys are urged to fulfill by Rule 6.1, Pro Bono Service, of the Rules of Professional Conduct. Thus, I would support a bill that left it to the Attorney General's discretion to determine if a conflict precluded a deputy attorney general from providing pro bono legal services for a person of limited means, or an organization needing legal services. I cannot support this bill, however, because it interferes with the Attorney General's practice of law for the State, and has the potential for jeopardizing the interests of the State.

For the foregoing reasons, I am returning House Bill No. 2391 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 632, dated April 14, 2008, transmitting her statement of objections to House Bill No. 2974 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 14, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2974

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2974, entitled 'A Bill for an Act Relating to Labor.'

This bill would change the union certification process by eliminating the secret ballot system, mandating timelines for collective bargaining, and imposing binding arbitration in labor negotiations.

Current law provides that when a question arises concerning the collective representation of employees, the Hawaii Labor Relations Board ('Board') conducts a secret ballot of employees to determine whether a majority of the employees desire collective representation. Under this bill, rather than holding an election, the Board would conduct an investigation to determine if a majority of the employees opted to be collectively represented. This new procedure is commonly referred to as a 'card check.' If the Board finds the majority of the employees signed 'card check' authorizations, the Board must certify the

individual or labor organization as the employees' representative.

This bill also directs that the employer and the newly certified employees' representative must meet and begin to bargain collectively within ten days. Conciliation under section 377-3, Hawaii Revised Statutes, may be requested if no agreement can be reached by the parties after the expiration of at least a ninety-day bargaining period. If, after the expiration of at least an initial thirty-day conciliation period, the conciliator is not able to bring the parties to agreement, the conciliator shall refer the dispute to binding arbitration. The agreement rendered by the arbitration panel established by the Board shall be binding for at least a two-year period unless amended by the parties.

This bill is objectionable because the 'card check' procedure envisioned by this bill is a poor substitute for the secret ballot and is ripe for abuse. Article XIII, Sections 1 and 2 of the Hawaii State Constitution grant Hawaii's employees the constitutional right to 'organize for the purpose of collective bargaining.' Based on this right, employees have the freedom to elect to participate or not participate in collective bargaining through a confidential ballot process. Chapter 377, HRS, was enacted to protect the rights of both employees and employers.

Nothing in this bill specifies how or when signatures can be obtained and there is no provision for neutral supervision. As a result, there is no way to determine whether a worker's signature was given freely and without intimidation, pressure, or coercion from fellow employees, labor representatives, or the employer. Lacking confidentiality, employees may for any number of reasons feel compelled to sign a petition personally circulated by an agent of management or a labor organization to protect their jobs or relationships with their peers.

Further, the legislative language specifically precludes the use of a secret ballot to subsequently validate petition results by mandating that the Hawaii Labor Relations Board shall not direct an election if a petition signed by a simple majority is submitted.

The use of the secret ballot election process provides the employee anonymity and the opportunity to carefully consider and weigh individual choices after having the time to be fully informed by both the labor organization and employer of the various advantages and disadvantages of being collectively represented. Maintaining the secret ballot is the fair, appropriate, and democratic way to protect workers' privacy and to ensure workers have the ability to vote their conscience without fear of repercussion or retaliation. Secret ballots are the cornerstone of any truly democratic system. There is no compelling justification for replacing an unbiased, democratic process with one that has the potential to erode a worker's existing rights and protections under law.

This bill is also objectionable because it places arbitrary restrictions and deadlines on the negotiating parties without regard to the complexity of the agreement or the importance of free and non-coercive bargaining. Forcing parties to agree is antithetical to the system of labor relations that has served our country well for nearly 75 years. With the prospect of mandatory mediation, bargaining may become more unrealistic as labor representatives push for very high wages in negotiations and during mediation, while employers counter that union demands would put them out of business.

This bill takes away the rights of unions and employers to bargain in good faith and interjects an arbitration panel to write the contract terms of the two parties. This undermines the purpose of a collective bargaining process. As a result, this bill unnecessarily shifts power to arbitration panels by mandating that the panel's decision remain in effect for two years. It is

important to note that under the National Labor Relations Act, interest arbitration may not be legally imposed upon a party absent its consent.

All Hawaii workers deserve the right to a secret ballot to ensure that their true voice is heard. It would be wrong to afford that right to some workers but not others. This bill discriminates against agricultural workers; employees of non-profit organizations; employees of smaller retailers; day care workers; employees who work in museums, restaurants, and bars; small law firms; legal aid programs; and numerous other employees in the State. It strips them of their right to a secret ballot, while allowing employees of larger firms, still covered by the National Labor Relations Act, the right to maintain a secret ballot.

For the foregoing reasons, I am returning House Bill No. 2974 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 731 to 734) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 731, transmitting H.B. No. 2250, H.D. 1, which passed Third Reading in the House of Representatives on April 14, 2008, was placed on file.

At this time, the President made the following announcement:

"Members, this relates to the regulation of interisland air carriers. Speaker Say and I have authorized an exception to several deadlines on the 2008 Legislative Timetable with respect to this bill. Details of my agreement with the Speaker are outlined in Miscellaneous Communication No. 1, which is listed under Section 9 of today's Order of the Day."

On motion by Senator Ige, seconded by Senator Whalen and carried, H.B. No. 2250, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed First Reading by title and was referred jointly to the Committee on Transportation and International Affairs and the Committee on Commerce, Consumer Protection and Affordable Housing.

Hse. Com. No. 732, informing the Senate that the House reconsidered its actions taken on April 10, 2008, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 7, H.D. 1, (S.D. 1); and
H.B. No. 2699, H.D. 1, (S.D. 1),

was placed on file.

Hse. Com. No. 733, informing the Senate that the House has agreed to the amendments proposed by the Senate to the following House bills and said bills passed Final Reading in the House on April 14, 2008:

H.B. No. 2045, S.D. 1;
H.B. No. 2163, H.D. 2, S.D. 1;
H.B. No. 2263, S.D. 1;
H.B. No. 2301, H.D. 1, S.D. 1;
H.B. No. 2436, H.D. 2, S.D. 2; and
H.B. No. 2517, H.D. 1, S.D. 1,

was placed on file.

Hse. Com. No. 734, informing the Senate that the House reconsidered its actions taken on April 8, 2008, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 2254, H.D. 2, (S.D. 1); and
H.B. No. 2559, H.D. 2, (S.D. 1),

was placed on file.

STANDING COMMITTEE REPORTS

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3568) recommending that the Senate advise and consent to the nominations to the King Kamehameha Celebration Commission of the following:

TREVOR H. KAINOA DAINES, in accordance with Gov. Msg. No. 329;

CECILIA K. AKIM, in accordance with Gov. Msg. No. 463;

PONI ELLIOT KAMAUU, in accordance with Gov. Msg. No. 464;

JACQUELINE LEILANI ROSSETTI, in accordance with Gov. Msg. No. 465; and

MAXEEN LAUAAHI SHEA, in accordance with Gov. Msg. No. 466.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3568 and Gov. Msg. Nos. 329, 463, 464, 465 and 466 was deferred until Wednesday, April 16, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3569) recommending that the Senate advise and consent to the nomination of MICHAEL JOSEPH CHOI to the Board of Taxation Review, 1st Taxation District (Oahu), in accordance with Gov. Msg. No. 337.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3569 and Gov. Msg. No. 337 was deferred until Wednesday, April 16, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3570) recommending that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

GWEN L. KELIHOOMALU, in accordance with Gov. Msg. No. 537; and

CHRISTIAN E. YATES, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3570 and Gov. Msg. Nos. 537 and 582 was deferred until Wednesday, April 16, 2008.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3571) recommending that H.C.R. No. 194, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3571 and H.C.R. No. 194, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. NAVY TO CLEAR THE COASTLINE OF LOWER WAIPAHU THAT IS UNDER ITS JURISDICTION FROM INVASIVE PLANT-LIFE AND EXCESSIVE FOLIAGE FOR SAFETY AND AESTHETIC PURPOSES," was deferred until Wednesday, April 16, 2008.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3572) recommending that H.C.R. No. 117, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3572 and H.C.R. No. 117, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, LAND DIVISION, TO ASSEMBLE VARIOUS STATE, COUNTY, AND COMMUNITY AGENCIES TO MEET AND DEVELOP A HANAPEPE SALT POND RESOURCE MANAGEMENT PLAN," was deferred until Wednesday, April 16, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3573), recommending that S.B. No. 2532, as amended in S.D. 1, be recommitted to the Committee on Health.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 2532, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was recommitted to the Committee on Health.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3574) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

DIANE M. IRONS, in accordance with Gov. Msg. No. 365;

IAN T.T. SANTEE, in accordance with Gov. Msg. No. 366;

DANIEL E. SCHAAL, in accordance with Gov. Msg. No. 367; and

WILLIAM T. WATKINS JR., in accordance with Gov. Msg. No. 368.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3574 and Gov. Msg. Nos. 365, 366, 367 and 368 was deferred until Wednesday, April 16, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3575) recommending that the Senate advise and consent to the nomination of CARLOS WARTER to the Medical Advisory Board, in accordance with Gov. Msg. No. 381.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3575 and Gov. Msg. No. 381 was deferred until Wednesday, April 16, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3576) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Kaua'i Service Area Board of the following:

THOMAS E. DORSEY PHD, in accordance with Gov. Msg. No. 382;

MARDI L. MAIONE, in accordance with Gov. Msg. No. 383; and

CANDACE M. SANDAL, in accordance with Gov. Msg. No. 384.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3576 and Gov. Msg. Nos. 382, 383 and 384 was deferred until Wednesday, April 16, 2008.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3556 (Gov. Msg. Nos. 271 and 528):

Senator Tokuda moved that Stand. Com. Rep. No. 3556 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Hawai'i of the following:

KU H. KAHAKALAU PHD, term to expire June 30, 2012 (Gov. Msg. No. 271); and

GENE KALEOLANI LESLIE, term to expire June 30, 2012 (Gov. Msg. No. 528),

seconded by Senator Gabbard.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3557 (Gov. Msg. Nos. 272 and 453):

Senator Tokuda moved that Stand. Com. Rep. No. 3557 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lanai of the following:

JAMES BALLAO, term to expire June 30, 2009 (Gov. Msg. No. 272); and

JOHN B. NAEOLE, term to expire June 30, 2012 (Gov. Msg. No. 453),

seconded by Senator Gabbard.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3558 (Gov. Msg. Nos. 286, 287 and 288):

Senator Tokuda moved that Stand. Com. Rep. No. 3558 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Kaua'i and Ni'ihau of the following:

MARK S. HUBBARD SPHR, term to expire June 30, 2012 (Gov. Msg. No. 286);

MICHAEL Y.M. LOO, term to expire June 30, 2012 (Gov. Msg. No. 287); and

SANDRA P. QUINSAAT, term to expire June 30, 2012 (Gov. Msg. No. 288),

seconded by Senator Gabbard.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3559 (Gov. Msg. Nos. 282, 284, 285 and 529):

Senator Tokuda moved that Stand. Com. Rep. No. 3559 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

ANGELA LISA LEIMAILE EHIA-QUITEVIS, term to expire June 30, 2012 (Gov. Msg. No. 282);

HINALEIMOANA K.K. WONG, terms to expire June 30, 2008, and June 30, 2012 (Gov. Msg. No. 284 and 285); and

SHAD S. KANE, term to expire June 30, 2012 (Gov. Msg. No. 529),

seconded by Senator Gabbard.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3560 (Gov. Msg. Nos. 273, 274, 275, 276, 277, 278, 279, 280 and 281):

Senator Tokuda moved that Stand. Com. Rep. No. 3560 be received and placed on file, seconded by Senator Gabbard and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Molokai of the following:

MALIA K.H. AKUTAGAWA ESQ., term to expire June 30, 2012 (Gov. Msg. No. 273);

FRANCES COBB-ADAMS, term to expire June 30, 2011 (Gov. Msg. No. 274);

SUE ANN M.M. HASEGAWA, term to expire June 30, 2010 (Gov. Msg. No. 275);

KEKAMAIIKAMAIIKALANI HELM, term to expire June 30, 2010 (Gov. Msg. No. 276);

ELROY K.M. MALO, terms to expire June 30, 2008, and June 30, 2012 (Gov. Msg. Nos. 277 and 278);

JERSULA L. MANABA, terms to expire June 30, 2008, and June 30, 2012 (Gov. Msg. Nos. 279 and 280); and

MICHELLE KANANIONAPUA AYAU PESCAIA, term to expire June 30, 2011 (Gov. Msg. No. 281),

seconded by Senator Gabbard.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3561 (Gov. Msg. No. 297):

Senator Kokubun moved that Stand. Com. Rep. No. 3561 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of HERBERT B. MINN to the State Boxing Commission of Hawai'i, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3562 (Gov. Msg. No. 315):

Senator Kokubun moved that Stand. Com. Rep. No. 3562 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of TIMOTHY H. MOON OD to the Board of Examiners in Optometry, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3563 (Gov. Msg. No. 318):

Senator Kokubun moved that Stand. Com. Rep. No. 3563 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of PATRICK LEE ADAMS to the Board of Pharmacy, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3564 (Gov. Msg. No. 322):

Senator Kokubun moved that Stand. Com. Rep. No. 3564 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of LESLIE HARUO KONDO to the Public Utilities Commission (PUC), term to expire June 30, 2014, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3565 (Gov. Msg. No. 456):

Senator Kokubun moved that Stand. Com. Rep. No. 3565 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of DOUGLAS HIROSHI INOUE to the Board of Private Detectives and Guards, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3566 (Gov. Msg. No. 457):

Senator Kokubun moved that Stand. Com. Rep. No. 3566 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of JOSEPH C. SNIEZEK MD, FACS to the Board of Speech Pathology and Audiology, term to expire June 30, 2011, seconded by Senator Ige.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

Stand. Com. Rep. No. 3567 (Gov. Msg. No. 616):

Senator Hee moved that Stand. Com. Rep. No. 3567 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JONATHAN WAI YUN LAI to the Hawai'i Community Development Authority (HCDA), term to expire June 30, 2012, seconded by Senator Kokubun.

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

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 a.m.

FINAL READING

S.B. No. 2779, H.D. 2:

Senator Taniguchi moved that S.B. No. 2779, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

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

“It seems innocuous enough, and it says that basically all it’s doing is clarifying the law about emergencies. I guess it’s the trifecta of the emergency bills that we’ve had., and they all do one thing—they strip power from the executive where we’ve had power before, not to be confused with when we had 2001 and the King Ben bill which was extraordinary powers.

“What we have here though in this bill is something that does not allow flexibility for the executive, whoever she or he may be and does not allow for taking care of the public safety of individuals to get jobs done without going through Chapter 104(d). Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2779, and S.B. No. 2779, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17. Noes, 2 (Slom, Trimble). Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

S.B. No. 3004, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3004, S.D. 2, and S.B. No. 3004, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE EMPLOYEES’ RETIREMENT SYSTEM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

S.B. No. 3005, S.D. 2, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by

the House to S.B. No. 3005, S.D. 2, and S.B. No. 3005, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

S.B. No. 3228, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3228, and S.B. No. 3228, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADJUSTING THE ANNUAL PENSIONS OF RETIRED PATIENT EMPLOYEES AT HANSEN'S DISEASE FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, none. Excused, 6 (English, Espero, Hemmings, Kim, Menor, Nishihara).

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 1, from the Honorable Colleen Hanabusa, President of the Senate, and the Honorable Calvin K.Y. Say, Speaker of the House of Representatives, dated April 7, 2008, transmitting a Legislative Communication authorizing an exception to the 2008 Legislative Timetable for H.B. No. 2250, H.D. 1, to process, transmit and receive said measure, as appropriate, to meet Constitutional bill passage requirements, was read by the Clerk and was placed on file.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 3068, S.D. 1 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 3068, S.D. 1, seconded by Senator Baker and carried.

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3068, S.D. 1, seconded by Senator Baker.

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

"Madam President, although we don't totally agree with all of the amendments made by the House, we do believe that it's more important to get the measure approved and up to the governor so that the funds can be released. We also believe that any deficiencies can be worked through the budget process which we'll beginning conference on this evening."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3068, S.D. 1, and S.B. No. 3068, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," was placed on the calendar for Final Reading on Wednesday, April 16, 2008.

S.B. No. 3074, S.D. 1 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 3074, S.D. 1, seconded by Senator Baker and carried.

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3074, S.D. 1, seconded by Senator Baker.

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

"Again, Madam President, although we don't agree to all the amendments made by the House, we do believe that any deficiencies can be made up in the budget conference. And so we are agreeing in order that the funds be released as soon as possible."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3074, S.D. 1, and S.B. No. 3074, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH," was placed on the calendar for Final Reading on Wednesday, April 16, 2008.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 735 to 737) were read by the Clerk and were placed on file:

Hse. Com. No. 735, informing the Senate that the Speaker on April 14, 2008, made the following changes to the conferees on the following bills:

H.B. No. 3352, H.D. 2 (S.D. 2):

Representative Shimabukuro replaced Representative Rhoads as co-chair;

S.B. No. 2464, H.D. 1;

Representative Thielen replaced Representative Ching as conferee.

Hse. Com. No. 736, informing the Senate that the Speaker on April 14, 2008, made the following changes to the conferees on the following bill:

S.B. No. 2365, S.D. 1, H.D. 1

Discharged Representative Morita, Yamane and Herkes as co-chairs.

Hse. Com. No. 737, informing the Senate that the Speaker on April 14, 2008, made the following changes to the conferees on the following bill:

S.B. No. 651, S.D. 2, H.D. 2

Added Representative Yamashita as co-chair.

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 644, S.D. 3 (H.D. 3):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 644, S.D. 3.

S.B. No. 1612, S.D. 2 (H.D. 2):

The President discharged Senator Menor as chair and appointed him as a member and discharged Senator Hooser as a member and appointed him as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1612, S.D. 2.

S.B. No. 2294, S.D. 2 (H.D. 1):

The President discharged Senator Kim as a member on the part of the Senate at the conference to be held for the

consideration of amendments proposed by the House to S.B. No. 2294, S.D. 2.

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

The President discharged Senator Espero as a co-chair and appointed him as a member and Senator Nishihara as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2345, S.D. 1.

S.B. No. 2842, S.D. 2 (H.D. 2):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2842, S.D. 2.

S.B. No. 2843, S.D. 2 (H.D. 3):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2843, S.D. 2.

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

The President discharged Senator Menor as a co-chair and appointed him as a member and Senator Hooser as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2849, S.D. 1.

S.B. No. 2850, S.D. 2 (H.D. 2):

The President discharged Senator Menor as a co-chair and appointed him as a member and Senator Hooser as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2850, S.D. 2.

H.B. No. 661, H.D. 1 (S.D. 3):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 661, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Tsutsui, co-chair; Kokubun as managers on the part of the Senate at such conference.

H.B. No. 1745 H.D. 3 (S.D. 1):

The President discharged conferees on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1745 H.D. 3.

H.B. No. 1755, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1755, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Fukunaga, chair; Baker, co-chair; Slom as managers on the part of the Senate at such conference.

H.B. No. 2062, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2062, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, co-chair; Ihara, Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2261, H.D. 2 (S.D. 1):

The President discharged Senator Menor as a co-chair and appointed him as a member and Senator Hooser as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2261, H.D. 2.

H.B. No. 2306, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2306, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Fukunaga, Baker, co-chairs; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2326, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2326, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Taniguchi, co-chair; Trimble as managers on the part of the Senate at such conference.

H.B. No. 2366 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2366, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Baker, co-chair; Fukunaga, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2386 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2386, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Tsutsui, co-chair; Hee as managers on the part of the Senate at such conference.

H.B. No. 2387, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2387, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Tsutsui, co-chair; Hee, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2388, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2388, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Tsutsui, co-chair; Hee as managers on the part of the Senate at such conference.

H.B. No. 2505, H.D. 2 (S.D. 2):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2505, H.D. 2.

H.B. No. 2507, H.D. 1 (S.D. 2):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2507, H.D. 1.

H.B. No. 2521, H.D. 2 (S.D. 3):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2521, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Baker, co-chair; Fukunaga, Gabbard, Slom as managers on the part of the Senate at such conference.

H.B. No. 2550, H.D. 2 (S.D. 2):

The President discharged Senator Menor as chair and appointed him as a member and Senator Hooser as chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2550, H.D. 2.

H.B. No. 2675, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2675, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Taniguchi, co-chair; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2697, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2697, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Gabbard, Slom as managers on the part of the Senate at such conference.

H.B. No. 2698, H.D. 3 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2698, H.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Baker, co-chair; Slom as managers on the part of the Senate at such conference.

H.B. No. 2700, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2700, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Baker, co-chair; Tsutsui, Slom as managers on the part of the Senate at such conference.

H.B. No. 2730, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2730, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Inouye, chair; Taniguchi, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2761, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2761, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, co-chair; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2763, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2763, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Espero, Baker, co-chairs; Hemmings as managers on the part of the Senate at such conference.

H.B. No. 2772, H.D. 3 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2772, H.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Baker, co-chair; Chun Oakland, Slom as managers on the part of the Senate at such conference.

H.B. No. 2811 (S.D. 2):

The President discharged Senator Tsutsui as a co-chair and appointed Senator Baker as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2811.

H.B. No. 2843, H.D. 2 (S.D. 2):

The President discharged Senators English and Menor as co-chairs and appointed them as members, and Senators Gabbard and Hooser as co-chairs on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2843, H.D. 2.

H.B. No. 2920 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2920, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Taniguchi, Espero, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2998, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2998, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Baker, co-chair; Slom as managers on the part of the Senate at such conference.

H.B. No. 3150, H.D. 2 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3150, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Menor, co-chair; Fukunaga, Whalen as managers on the part of the Senate at such conference.

H.B. No. 3175, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3175, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Fukunaga, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:01 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 16, 2008.