

FORTY-THIRD DAY

Tuesday, April 6, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 9:11 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Elizabeth A. Zivanov, The Parish of St. Clement, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 462 to 464) were read by the Clerk and were placed on file:

Gov. Msg. No. 462, informing the Senate that on April 1, 2010, the Governor signed into law Senate Bill No. 2699, S.D. 1 as Act 11, entitled: "RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES."

Gov. Msg. No. 463, letter dated April 1, 2010, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 2400, S.D. 1, H.D. 1, which appropriates \$390,000 in general funds in FY 10 to the Office of Elections to fund operating costs for the 2010 regular elections (\$250,000) and to reimburse the City and County of Honolulu for the special election to fill the vacant U.S. House of Representatives seat in Congressional District 1 (\$140,000).

Gov. Msg. No. 464, letter dated April 1, 2010, as provided in Section 9, Article VII of the Constitution of the State of Hawaii, requesting the immediate consideration and passage of S.B. No. 1178, S.D. 2, H.D. 2, which appropriates \$40,000,000 in general funds and \$80,000,000 in federal funds for an emergency appropriation in FY 10 for the Health Care Payments program to address a funding shortfall in the Medicaid program.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 316 to 322) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 316, informing the Senate that on April 1, 2010, the House disagreed to the amendments proposed by the Senate to the following House Bills:

H.B. No. 840, H.D. 1 (S.D. 1);
H.B. No. 1019, H.D. 1 (S.D. 1);
H.B. No. 1862, H.D. 1 (S.D. 1);
H.B. No. 1863, H.D. 1 (S.D. 1);
H.B. No. 2157, H.D. 1 (S.D. 1);
H.B. No. 2397, H.D. 1 (S.D. 1); and
H.B. No. 2784, H.D. 1 (S.D. 1),

was placed on file.

Hse. Com. No. 317, returning S.B. No. 2109, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2109, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," was deferred until Wednesday, April 7, 2010.

Hse. Com. No. 318, returning S.B. No. 2173, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2173, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred until Wednesday, April 7, 2010.

Hse. Com. No. 319, returning S.B. No. 2685, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2685, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred until Wednesday, April 7, 2010.

Hse. Com. No. 320, returning S.B. No. 2803, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2803, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," was deferred until Wednesday, April 7, 2010.

Hse. Com. No. 321, returning S.B. No. 2806, S.D. 2, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2806, S.D. 2 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," was deferred until Wednesday, April 7, 2010.

Hse. Com. No. 322, returning S.B. No. 2825, S.D. 1, as amended in H.D. 1, which passed Third Reading in the House of Representatives on April 1, 2010, was placed on file.

By unanimous consent, action on S.B. No. 2825, S.D. 1 (H.D. 1), entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred until Wednesday, April 7, 2010.

CONFERENCE COMMITTEE REPORTS

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1642, H.D. 1, presented a report (Conf. Com. Rep. No. 1-10) recommending that H.B. No. 1642, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 1-10 and H.B. No. 1642, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Gabbard, for the Committee on Energy and Environment presented a report (Stand. Com. Rep. No. 3053) recommending that the Senate advise and consent to the nomination of LOIS FUJISHIGE to the Kaua'i Aquatic Life and Wildlife Advisory Committee, in accordance with Gov. Msg. No. 256.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3053 and Gov. Msg. No. 256 was deferred until Wednesday, April 7, 2010.

Senator Tokuda, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 3054) recommending that the Senate advise and consent to the nomination of FLORDELINE B. VILA to the Hawai'i Commission for National and Community Service, in accordance with Gov. Msg. No. 203.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3054 and Gov. Msg. No. 203 was deferred until Wednesday, April 7, 2010.

Senator Takamine, for the Committee on Labor presented a report (Stand. Com. Rep. No. 3055) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

CARL W. HINSON, in accordance with Gov. Msg. No. 268; and

JEFFREY W. PIONTEK, in accordance with Gov. Msg. No. 298.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3055 and Gov. Msg. Nos. 268 and 298 was deferred until Wednesday, April 7, 2010.

Senator Takamine, for the Committee on Labor presented a report (Stand. Com. Rep. No. 3056) recommending that the Senate advise and consent to the nomination of ROLAND QUOK FONG THOM to the Labor and Industrial Relations Appeals Board, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3056 and Gov. Msg. No. 267 was deferred until Wednesday, April 7, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 3057) recommending that the Senate advise and consent to the nomination of MARISSA SANDBLOM to the Board of Directors of the Agribusiness Development Corporation, in accordance with Gov. Msg. No. 354.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3057 and Gov. Msg. No. 354 was deferred until Wednesday, April 7, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture and Hawaiian Affairs presented a report (Stand. Com. Rep. No. 3058) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

DUANE C.K. LAU, in accordance with Gov. Msg. No. 372; and

DAVID G. RIETOW, in accordance with Gov. Msg. No. 373.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3058 and Gov. Msg. Nos. 372 and 373 was deferred until Wednesday, April 7, 2010.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3059) recommending that S.C.R. No. 75, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3059 and S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was deferred until Wednesday, April 7, 2010.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3060) recommending that S.R. No. 31, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3060 and S.R. No. 31, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING GOVERNOR LINDA LINGLE TO RECOGNIZE LOCAL KOREANS BY ALLOWING A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN NATIONAL ASSOCIATION," was deferred until Wednesday, April 7, 2010.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3061) recommending that S.C.R. No. 202, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3061 and S.C.R. No. 202, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was deferred until Wednesday, April 7, 2010.

Senator Fukunaga, for the Committee on Economic Development and Technology, presented a report (Stand. Com. Rep. No. 3062) recommending that S.R. No. 101, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3062 and S.R. No. 101, S.D. 1, entitled: "SENATE RESOLUTION URGING GOOGLE INC. TO SELECT HAWAII AS A TEST SITE TO CONDUCT THE GOOGLE GIGABIT BROADBAND INITIATIVE," was deferred until Wednesday, April 7, 2010.

Senators Ige and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 3063) recommending that S.C.R. No. 124, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3063 and S.C.R. No. 124, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO PROVIDE COVERAGE FOR WEIGHT MANAGEMENT AND OBESITY TREATMENT FOR CHILDREN," was deferred until Wednesday, April 7, 2010.

Senator Hee, for the Committee on Water, Land, Agriculture, and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 3064) recommending that S.C.R. No. 228, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3064 and S.C.R. No. 228, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON A LAND EXCHANGE," was deferred until Wednesday, April 7, 2010.

Senator Taniguchi, for the majority of the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3065) recommending that S.C.R. No. 37, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3065 and S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE GOVERNOR TO USE AND CONSIDER GENDER EQUALITY WHEN

APPOINTING JUDGES AND JUSTICES TO HAWAII COURTS," was deferred until Wednesday, April 7, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 3066) recommending that S.R. No. 26, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3066 and S.R. No. 26, S.D. 1, entitled: "SENATE RESOLUTION URGING THE GOVERNOR TO USE AND CONSIDER GENDER EQUALITY WHEN APPOINTING JUDGES AND JUSTICES TO HAWAII COURTS," was deferred until Wednesday, April 7, 2010.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM THURSDAY, APRIL 1, 2010

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

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2697, S.D.1, and requested a conference on the subject matter thereof.

S.B. No. 2441, S.D.2 (H.D.2):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2441, S.D.2, and requested a conference on the subject matter thereof.

S.B. No. 2449 (H.D.1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2449, and requested a conference on the subject matter thereof.

S.B. No. 2488, S.D.2 (H.D.1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2488, S.D.2, and requested a conference on the subject matter thereof.

S.B. No. 2745, S.D.2 (H.D.1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2745, S.D.2, and requested a conference on the subject matter thereof.

S.B. No. 2859, S.D.2 (H.D.1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2859, S.D.2, and requested a conference on the subject matter thereof.

At this time, the Chair said:

"Conferees for said bills will be named at a later date."

S.B. No. 1105, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 1105, S.D. 2 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," was deferred until Wednesday, April 7, 2010.

S.B. No. 2045, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2045, S.D. 1 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO CRIME," was deferred until Wednesday, April 7, 2010.

S.B. No. 2137, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2137, S.D. 1 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," was deferred until Wednesday, April 7, 2010.

S.B. No. 2163, S.D. 2 (H.D. 1):

By unanimous consent, action on S.B. No. 2163, S.D. 2 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," was deferred until Wednesday, April 7, 2010.

S.B. No. 2898, S.D. 1 (H.D. 1):

By unanimous consent, action on S.B. No. 2898, S.D. 1 (H.D. 1), entitled "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," was deferred until Wednesday, April 7, 2010.

S.B. No. 2357, S.D. 2 (H.D. 1):

Senator Gabbard moved that the Senate disagree to the amendments made by the House to S.B. No. 2357, S.D. 2, seconded by Senator Baker.

Senator Gabbard noted:

"Colleagues, this measure would require the gas utility to report information to the PUC regarding the amounts of petroleum and renewable energy that go into producing their natural gas, and I'm asking you to support this motion to agree to the House amendments that would require the PUC to transmit the information it collects to DBEDT. This will allow DBEDT to evaluate the gas utility's progress away from petroleum and toward renewable energy sources."

At 9:19 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:32 a.m.

At this time, Senator Gabbard withdrew the motion to disagree to the amendments made by the House to S.B. No. 2357, S.D. 2, and Senator Baker withdrew her second.

The Chair announced that the motion was withdrawn.

Senator Gabbard moved that the Senate agree to the amendments made by the House to S.B. No. 2357, S.D. 2, seconded by Senator Baker.

Senator Gabbard noted:

"Colleagues, again, my previous statements hold. Basically, the House amendments require the PUC to transmit the information that it collects to DBEDT for evaluation."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2357, S.D. 2, and S.B. No. 2357, S.D. 2, H.D. 1, entitled "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was placed on the calendar for Final Reading on Wednesday, April 7, 2010.

Senator Baker rose on a point of inquiry as follows:

"Madam President, for those of us that are trying to follow the Order of the Day and note which ones are deferred and which ones we are disagreeing to, would it be possible for the

Clerk to go down the list of measures and give us that information one more time?"

The Chair having so ordered, the Clerk noted the following:

"Hse. Com. No. 291: Disagree;
Hse. Com. No. 298: Defer one day;
Hse. Com. No. 299: Defer one day;
Hse. Com. No. 300: Defer one day;
Hse. Com. No. 301: Defer one day;
Hse. Com. No. 302: Agree;
Hse. Com. No. 304: Disagree;
Hse. Com. No. 305: Disagree;
Hse. Com. No. 306: Disagree;
Hse. Com. No. 308: Disagree;
Hse. Com. No. 311: For agree/disagree;
Hse. Com. No. 312: Disagree;
Hse. Com. No. 313: Defer one day; and
Hse. Com. No. 314: For agree/disagree."

S.B. No. 2837, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2837, S.D. 1, seconded by Senator Ige.

Senator Baker noted:

"Madam President, the House made only minor, technical, non-substantive, clarifying amendments that are consistent with the Senate position."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2837, S.D. 1, and S.B. No. 2837, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," was placed on the calendar for Final Reading on Wednesday, April 7, 2010.

S.B. No. 2921, S.D. 1 (H.D. 1):

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 2921, S.D. 1, seconded by Senator Ige.

Senator Baker noted:

"Madam President, the House made only minor, technical, non-substantive, clarifying amendments that are consistent with the Senate position."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2921, S.D. 1, and S.B. No. 2921, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," was placed on the calendar for Final Reading on Wednesday, April 7, 2010.

ADVISE AND CONSENT

Stand. Com. Rep. No. 2982 (Gov. Msg. Nos. 221 and 222):

Senator Takamine moved that Stand. Com. Rep. No. 2982 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Takamine then moved that the Senate advise and consent to the nominations to the Hoisting Machine Operators Advisory Board of the following:

JAMES LEE WEANDER, term to expire June 30, 2010 (Gov. Msg. No. 221); and

JAMES LEE WEANDER, term to expire June 30, 2014 (Gov. Msg. No. 222),

seconded by Senator Taniguchi.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2983 (Gov. Msg. No. 223):

Senator Takamine moved that Stand. Com. Rep. No. 2983 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Takamine then moved that the Senate advise and consent to the nomination of GUY SEICHI MORIGUCHI to the Board of Certification of Public Water System Operators, term to expire June 30, 2014, seconded by Senator Taniguchi.

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

Ayes, 25. Noes, none.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 1, 2010

Stand. Com. Rep. No. 2979 (S.C.R. No. 99):

Senator Sakamoto moved that Stand. Com. Rep. No. 2979 and S.C.R. No. 99 be adopted, seconded by Senator Slom.

Senator Hemmings rose in opposition to the measure as follows:

"What would appear at first glance to be an innocuous resolution really is indicative of a pattern of flawed decision making in the past that unfortunately has put aside many important projects to the welfare, I believe, of the people of Hawai'i. It's particular interesting because it addresses an issue that goes right to the foundation of our country, and also something that was pertinent in this morning's prayer; and that is that we are a republic, for obvious reasons not a pure democracy, and we do not oftentimes yield to the will or the tyranny of the majority. Rather, we here as a body ruminate on the issues and make decisions based on what is, in our estimation—individually and collectively—in the best interests of the people of Hawai'i.

"But unfortunately, and I say most unfortunately because in years gone by we have seen the tyranny of the minority rise up where a handful of protesters with the proper color shirts and sometimes blowing a conch shell or otherwise have brought to its knees many projects that would have benefited Hawai'i tremendously. Superferry, a private-sector hospital which could save hundreds of millions or more down through the years on Maui, and even having shovels in the ground for a \$600 million investment by a private sector to develop land in Kaka'ako have all yielded to the loud and sometimes shrill opposition of what appeared to be a very small minority of people.

"This resolution speaks to something that could have been a reality 30 years ago. I was in the House of Representatives when geothermal energy was first being discussed; and unfortunately, some well-meaning cultural practitioners objected because it was some violation of Pele and some pseudo—I use the word loosely—environmentalists objected because it was going to be unhealthy for the environment. And what we have found in the ensuing years is that we have yielded energy production on the Big Island to a monopoly that has built fossil fuel burning, very expensive generators on the Kona coast, while the Big Island could have been totally energy independent with geothermal energy, and so much energy that it could have been exporting it very intelligently through hydrogen or other means to export energy in a cost-effective manner.

“So passing this resolution, in many ways, is an admission of flawed decision making on our behalf that has caused this state, the environment, and the economy much damage. I always love it when the self-righteous extremists stand up and tell us how much they’re helping us by stopping these things from happening, and then some of them 10, 20, 30 years later get on board and support it as some environmental organizations have done with geothermal now that global warming and carbon emissions is the world’s most pressing environmental problem. That is the procedural problem I have with this resolution: It, in fact, is an admission of guilt of our problems in decision making. But secondly, substantively, the resolution itself even contradicts its own words. ‘WHEREAS, geothermal energy is efficient and stable, and has long-term viability to help Hawaii meet its 2030 goals, reduce its contribution to global warming, and create a sustainable energy market,’ says it all. I might add, it said it 30 years ago, too.

“So then we request, after saying what it will do and how beneficial it will be, we do what we often do when we’re not prepared to be the leaders we’re elected to be: We establish, convene, and facilitate a working group. What conclusions is a working group going to come to other than the conclusion that’s already written in this resolution, that this energy form is desperately needed now?”

“Madam President, it’s the start of a long day and I’m sorry to be so verbose on this issue, but it’s not just this issue, as I said in my remarks. It is a pattern that we’ve often yielded decision making to the most vociferous and oftentimes ill-informed minority group under the guise that we’re doing what’s best for the people of Hawai’i. We don’t need this resolution. We need geothermal energy. I’m voting ‘no.’”

Senator Slom requested that his vote be cast “no” and the Chair so ordered.

The motion was put by the Chair and carried, the joint report of the Committees was adopted and S.C.R. No. 99, entitled: “SENATE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO ANALYZE THE POTENTIAL DEVELOPMENT OF GEOTHERMAL ENERGY AS THE PRIMARY ENERGY SOURCE TO MEET THE BASELOAD DEMAND FOR ELECTRICITY ON THE BIG ISLAND,” was adopted with Senators Hemmings and Slom voting “No”.

Stand. Com. Rep. No. 2980 (S.C.R. No. 209, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.C.R. No. 209, S.D. 1, entitled: “SENATE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER (DECABDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES,” was adopted.

Stand. Com. Rep. No. 2981 (S.R. No. 107, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and S.R. No. 107, S.D. 1, entitled: “SENATE RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER (DECABDE) AND ALL OTHER POLYBROMINATED DIPHENYL ETHERS (PBDES) IN THE UNITED STATES,” was adopted.

FINAL READING

S.B. No. 2111, S.D. 2, H.D. 1:

On motion by Senator Sakamoto, seconded by Senator Hee and carried, the Senate agreed to the amendments proposed by

the House to S.B. No. 2111, S.D. 2, and S.B. No. 2111, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,” passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2910, H.D. 1:

On motion by Senator Baker, seconded by Senator Taniguchi and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2910, and S.B. No. 2910, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAL PROPERTY,” passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

Stand. Com. Rep. No. 2947 (H.B. No. 2020, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2947 was adopted and H.B. No. 2020, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2948 (H.B. No. 1684, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2948 was adopted and H.B. No. 1684, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2951 (H.B. No. 1978, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2951 was adopted and H.B. No. 1978, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TOWING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2952 (H.B. No. 2297, H.D. 2, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2952 was adopted and H.B. No. 2297, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2548, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, H.B. No. 2548, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2725, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 2725, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMALS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1554, S.D. 1:

On motion by Senator Hee, seconded by Senator English and carried, H.B. No. 1554, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 865, H.D. 1, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, H.B. No. 865, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 1439, H.D. 1, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, H.B. No. 1439, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2058, H.D. 1, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Baker and carried, H.B. No. 2058, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROPERTY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2129, H.D. 1, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, H.B. No. 2129, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2561, S.D. 1:

On motion by Senator Hee, seconded by Senator Taniguchi and carried, H.B. No. 2561, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2984 (H.B. No. 2288, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2984 was adopted and H.B. No. 2288, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2987 (H.B. No. 2383, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2987 was adopted and H.B. No. 2383, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FLAGS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2992 (H.B. No. 2575, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2992 was adopted

and H.B. No. 2575, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3000 (H.B. No. 2670, H.D. 1, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3000 was adopted and H.B. No. 2670, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3007 (H.B. No. 1854, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3007 was adopted and H.B. No. 1854, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3010 (H.B. No. 2486, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3010 was adopted and H.B. No. 2486, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3012 (H.B. No. 1818, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3012 was adopted and H.B. No. 1818, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COGNITIVE RESTRUCTURING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3014 (H.B. No. 2533, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3014 was adopted and H.B. No. 2533, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF EMPLOYEES' RETIREMENT SYSTEM RETIRANTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3018 (H.B. No. 2582, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3018 be adopted and H.B. No. 2582, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

At 9:44 a.m., the Senate stood in recess, subject to the call of the Chair.

The Senate reconvened at 9:45 a.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3018 was adopted and H.B. No. 2582, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VESSELS AT ALA WAI AND KEEHI BOAT HARBORS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Fukunaga). Noes, none.

Stand. Com. Rep. No. 3025 (H.B. No. 2832, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3025 was adopted and H.B. No. 2832, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3026 (H.B. No. 2604, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3026 was adopted and H.B. No. 2604, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3030 (H.B. No. 2831, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3030 was adopted and H.B. No. 2831, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3031 (H.B. No. 2783, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3031 was adopted and H.B. No. 2783, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3038 (H.B. No. 2923, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3038 was adopted and H.B. No. 2923, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3040 (H.B. No. 2086, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 3040 was adopted and H.B. No. 2086, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3049 (H.B. No. 2661, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 3049 was adopted and H.B. No. 2661, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

H.B. No. 2220, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 2220, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 6) to H.B. No. 2220, H.D. 1, S.D. 1:

"SECTION 1. House Bill No. 2200, H.D. 1, S.D. 1, page 7, is amended by deleting the fiscal year 2011 appropriation of \$1,541,979, for item number 23, BED151, Aloha Tower Development Corporation, to conform the amount to the current appropriation under Act 162, Session Laws of Hawaii 2009.

| | | | |
|---|-----|------------|----|
| "23. BED151 - ALOHA TOWER DEVELOPMENT CORPORATION | | | |
| OPERATING | BED | 1,628,940B | B" |

SECTION 2. House Bill No. 2200, H.D. 1, S.D. 1, pages 20-21 is amended by increasing the amount for item number 6, HTH560, Family Health, from \$1,520,962, to \$3,120,962, by adding \$1,600,000 in interdepartmental transfer funds for the voluntary Healthy Start program. The source of funds is temporary assistance for needy families (TANF).

| | | | |
|----------------------------|-----|-------------|--------------------------|
| "6. HTH560 - FAMILY HEALTH | | 169.75* | [169.75* |
| | | | 107.00* |
| OPERATING | HTH | 25,394,205A | [25,618,016A |
| | | | 22,233,529A |
| | | 9.50* | 9.50* |
| | HTH | 18,509,132B | [18,285,321B |
| | | | 15,175,368B |
| | | 182.50* | [182.50* |
| | | | 181.50* |
| | HTH | 46,018,585N | 46,018,585N |
| | | 0.50* | 0.50* |
| | HTH | 3,139,907U | [3,139,907U |
| | | | 3,120,962U |
| | HTH | 2,139,843V | V" |

SECTION 3. House Bill No. 2200, H.D. 1, S.D. 1, pages 27-28, is amended by amending the amounts for item number 17, HMS401, Health Care Payments, to add \$40,000,000 in general funds, increasing the amount from \$459,037,132 to \$499,037,132, and \$80,000,000 in federal funds, increasing the amount from \$701,911,653 to \$781,911,653 in fiscal year 2010 to address a funding shortfall in the medicaid program; and to reduce by \$40,000,000 the amount of general funds, reducing the amount from \$589,219,050 to \$549,219,050 for fiscal year 2010-2011. These amendments are in response to a March 18, 2010, request from the governor to transfer funds from fiscal year 2011 to fiscal year 2010.

| | | | |
|------------------------------------|-----|----------------|---------------------------|
| "17. HMS401 - HEALTH CARE PAYMENTS | | | |
| OPERATING | HMS | [459,037,132A] | [525,219,050A |
| | | 499,037,132A | 549,219,050A |
| | HMS | [701,911,653N] | 700,824,253N |
| | | 781,911,653N | |
| | HMS | 44,409,563U | 44,409,563U |
| | HMS | 175,189,095V | 93,162,323V" |

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

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

"Madam President, the proposed Senate draft adjusts the executive budget—H.B. 2200, H.D. 1, S.D. 1—in three program areas: BED 151, Health 560, and HMS 401.

"First, with regards to BED 151, a staff oversight resulted in the inclusion of \$1.5 million approximately in special funds in the S.D. 1. It was not the intent of the Committee to allocate the funds in this matter, thus the amendment will conform to FY11 appropriation amount that is currently provided in Act 162 (2009).

"Second, with HTH 560, the S.D. 1 reduced \$1.6 million in interdepartmental transfer funds for Healthy Start. It was the understanding of the Committee that the administration was not utilizing these funds. However, it was recently confirmed that the department is indeed using the TANF for the current fiscal year; thus, this amendment will restore the \$1.6 million interdepartmental transfer fund ceiling to allow receipt of the TANF funds for the Healthy Start for FY11.

"And finally, on March 18, the Governor requested, in HMS 401, the movement of \$40 million in general funds from FY11 to FY10 and the addition of \$80 million in matching federal funds for FY10 to address the current funding shortfall in the Medicaid program. Since the Governor requested that the FY10 funds be provided as an emergency appropriation, the movement of the funds was not reflected in the S.D. 1. However, it would be prudent for us at this time to reflect the adjustment to ensure that the mechanism is in place to allow the payment of these funds to the providers in the current fiscal year. Thank you."

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

By unanimous consent, H.B. No. 2220, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was placed on the calendar for Third Reading on Thursday, April 8, 2010.

H.B. No. 2542, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 2542, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 7) to H.B. No. 2542, H.D. 1, S.D. 1:

"SECTION 1. House Bill No. 2542, H.D. 1, S.D.1, Section 33, is amended by amending the effective date from July 1, 2010, to July 1, 2050, and to read as follows:

"SECTION 33. This Act shall take effect on July 1, 2050."

Senator Kim moved that Floor Amendment No. 7 be adopted, seconded by Senator Tsutsui.

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

"Madam President, this floor amendment simply defects the date to July 1, 2050, as requested."

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

By unanimous consent, H.B. No. 2542, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," was placed on the calendar for Third Reading on Thursday, April 8, 2010.

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

Senator Kim moved that H.B. No. 2306, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 8) to H.B. No. 2306, H.D. 2, S.D. 2:

"SECTION 1. House Bill No. 2306, H.D. 2, S.D. 2, is amended by deleting part II.

SECTION 2. House Bill No. 2306, H.D. 2, S.D. 2, is amended by renumbering part III to part II.

SECTION 3. House Bill No. 2306, H.D. 2, S.D. 2, is amended by renumbering Sections 5 and 6 to Sections 4 and 5."

Senator Kim moved that Floor Amendment No. 8 be adopted, seconded by Senator Tsutsui.

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

"Madam President, simply, this removes the portion that refers to principals and cafeteria workers going from 12 months to 10 months in the original bill as was proposed and passed out of Committee."

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

By unanimous consent, H.B. No. 2306, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," was placed on the calendar for Third Reading on Thursday, April 8, 2010.

H.B. No. 2450, H.D. 1, S.D. 1:

Senator Gabbard moved that H.B. No. 2450, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Hee.

Senator Gabbard then offered the following amendment (Floor Amendment No. 9) to H.B. No. 2450, H.D. 1, S.D. 1:

"SECTION 1. House Bill No. 2450, H.D. 1, S.D. 1, is amended by amending Section 3 of the bill to read as follows:

"SECTION 3. Any renewable energy project that obtains an exemption from subdivision requirements pursuant to Act 173, Session Laws of Hawaii 2009, or this Act shall apply for subdivision with the agency granting the original exemption within two years from the date of receiving that original exemption. If the renewable energy project fails to apply for subdivision within two years from the date of receiving the original exemption, the renewable energy project shall forfeit the original exemption."

Senator Gabbard moved that Floor Amendment No. 9 be adopted, seconded by Senator Hee.

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

"Colleagues, the purpose of this measure is to give biofuel and biomass renewable energy facilities a two year exemption from subdivision requirements to help them obtain their financing before going through the lengthy subdivision process. However, SMA pointed out in their legal check that there were no penalties for failure to abide by the requirement of applying for a subdivision within two years of obtaining the exemption. So, this floor amendment inserts a penalty clause that would result in the forfeiture of the exemption if the company didn't apply for a subdivision within two years of receiving that exemption."

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

By unanimous consent, H.B. No. 2450, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," was placed on the calendar for Third Reading on Thursday, April 8, 2010.

H.B. No. 2690, S.D. 1:

Senator Kim moved that H.B. No. 2690, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 10) to H.B. No. 2690, S.D. 1:

"SECTION 1. House Bill No. 2690, S.D. 1, is amended by deleting Part III of the bill.

SECTION 2. House Bill No. 2690, S.D. 1, is amended by redesignating Parts IV, V, and VI as Parts III, IV, and V, respectively.

SECTION 3. House Bill No. 2690, S.D. 1, is amended by renumbering Sections 17, 18, 19, 20, 21, 22, and 23 as Sections 14, 15, 16, 17, 18, 19, and 20, respectively.

SECTION 4. House Bill No. 2690, S.D. 1, Section 24, is amended by renumbering it as Section 21 and to read as follows:

“SECTION 21. This Act shall take effect on July 1, 2050.””

Senator Kim moved that Floor Amendment No. 10 be adopted, seconded by Senator Tsutsui.

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

“Madam President, like the other amendment, this one also removes the principals and cafeteria workers out of the measure; also defects the date.”

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

By unanimous consent, H.B. No. 2690, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT,” was placed on the calendar for Third Reading on Thursday, April 8, 2010.

H.B. No. 2003, H.D. 3, S.D. 1:

Senator Taniguchi moved that H.B. No. 2003, H.D. 3, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 11) to H.B. No. 2003, H.D. 3, S.D. 1:

“SECTION 1. House Bill No. 2003, H.D. 3, S.D. 1, is amended by adding a new Section 3 to Part II to read as follows:

“SECTION 3. Chapter 11, Hawaii Revised Statutes, is amended by adding a new section to the new part added by section 2 of this Act, to be appropriately designated and to read as follows:

“§11- Filing report by corporations. (a) A corporation shall file a report with the commission for contributions from its own treasury that aggregate more than \$1,000 per two year election period made directly to a candidate or candidate committee; provided that this section shall not authorize contributions to a candidate or candidate committee where otherwise prohibited by this part. The reporting shall be made pursuant to the time requirements contained in section 11-U and section 11-W.

(b) The filing shall include the name of the corporation, business address, a contact individual, and amounts contributed that are more than \$100 to each candidate or candidate committee.”

SECTION 2. House Bill No. 2003, H.D. 3, S.D. 1, is amended by renumbering Sections 3, 4, 5, 6, 7, 8, 9, 10, and 11 to Sections 4, 5, 6, 7, 8, 9, 10, 11, and 12.

SECTION 3. House Bill No. 2003, H.D. 3, S.D. 1, is amended by renumbering Section 12 to Section 13 and amending it to read as follows:

“SECTION 13. This Act shall take effect upon approval; provided that section 3 shall take effect on January 1, 2011; and provided further that, on January 1, 2011, section 7 shall be repealed and section 8 shall take effect.””

Senator Taniguchi moved that Floor Amendment No. 11 be adopted, seconded by Senator Takamine.

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

“This floor amendment attempts to provide additional transparency in our campaign financing law. What it would do would be to require corporations to file a report if their aggregate contributions are more than \$1,000 for the two year election period.”

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

By unanimous consent, H.B. No. 2003, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING,” was placed on the calendar for Third Reading on Thursday, April 8, 2010.

THIRD READING

Stand. Com. Rep. No. 2949 (H.B. No. 134, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2949 was adopted and H.B. No. 134, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER LICENSING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 9:54 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:55 a.m.

RECOMMITTAL

Stand. Com. Rep. No. 2950 (H.B. No. 1944, S.D. 2):

Senator Espero moved that Stand. Com. Rep. No. 2950 be adopted and H.B. No. 1944, S.D. 2 be recommitted to the Committee on Judiciary and Government Operations, seconded by Senator Taniguchi.

Senator Espero rose in support of the recommitment as follows:

“The reason for the recommitment is because Senate Bill 2137 is moving in the House, and we are agreeing to the House amendments. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2950 was adopted and H.B. No. 1944, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CLUBS,” was recommitted to the Committee on Judiciary and Government Operations.

THIRD READING

H.B. No. 2724, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2724, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Takamine.

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

The motion was put by the Chair and carried, H.B. No. 2724, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, English, Hooser, Ihara, Tokuda, Tsutsui). Noes, none.

H.B. No. 2016, S.D. 1:

On motion by Senator English, seconded by Senator Gabbard and carried, H.B. No. 2016, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COUNTIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Ihara).

H.B. No. 2283, H.D. 2, S.D. 1:

Senator Taniguchi moved that H.B. No. 2283, H.D. 2, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“This will be one of a series of bills that we’re going to be voting on today, all having to do with procurement, all of them opposed in public hearing by the chief procurement officer. This one has to do with ethics. I will be registering a ‘no’ vote. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2283, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT,” passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2676, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 2676, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“Likewise, this bill seeks special exemption for the Commission from the procurement code. During the testimony, the CPO made it clear that exemptions, when they’re asked for, are deliberated and, in fact, have been given. There were special problems with the Commission and its ability to supply materials and food products for its volunteers, but did not require an overall exemption from the procurement code. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2676, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE KAHO‘OLAWA ISLAND RESERVE COMMISSION,” passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 1907, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 1907, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“This bill will be another burden on taxpayers and takes out a very important provision for carryover loss provisions. Thank you.”

Senators Baker, Fukunaga, Ige, Green, and Ihara requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1907, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Baker, Fukunaga, Green, Ige, Ihara). Noes, 2 (Hemmings, Slom).

H.B. No. 1985, S.D. 1:

Senator Kim moved that H.B. No. 1985, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“And again, this will have deleterious effects to taxpayers, particularly those that relied upon certain exemptions currently in the law but which would expire during this taxable year. Thank you.”

Senators Espero, Baker, and Ihara requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1985, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Baker, Espero, Ihara). Noes, 3 (Hemmings, Ige, Slom).

H.B. No. 2594, H.D. 2, S.D. 1:

Senator Kim moved that H.B. No. 2594, H.D. 2, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support of the measure with reservations as follows:

“The President and my colleagues have heard me wax poetic about this bill every year because every year it seeks to conform Hawai‘i tax law with the federal IRS, but every year it exempts one major consideration, and that is the amount given to personal exemptions. And in Hawai‘i, where we talk about equality and fairness, the personal exemption is only one-third of what the amount is in the IRS. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2594, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE,” passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2866, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 2866, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senators Baker, Ihara, Fukunaga, Ige, and Green requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 2866, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, Fukunaga, Green, Ige, Ihara). Noes, none.

H.B. No. 1948, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 1948, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“In effect, this takes away the refund or delays it to such an extent that it penalizes people that are dependent on that refund. Thank you.”

The motion was put by the Chair and carried, H.B. No. 1948, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

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

H.B. No. 2267, H.D. 1, S.D. 1:

Senator Kim moved that H.B. No. 2267, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, H.B. No. 2267, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC CHARTER SCHOOLS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2985 (H.B. No. 2085, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2985 was adopted and H.B. No. 2085, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2986 (H.B. No. 2061, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2986 be adopted and H.B. No. 2061, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"This bill is a very emotional bill, and it was an attempt to get the parties in agreement and an attempt to adopt Department of Defense amendments. However, those amendments were not adopted in the manner in which they were presented; and what this does, it penalizes those parents that are on active duty deployment. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2986 was adopted and H.B. No. 2061, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2988 (H.B. No. 2441, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2988 be adopted and H.B. No. 2441, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"It again involves specific changes to the procurement code that the procurement officer opposes. Thank you."

Senator Ihara requested that 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. 2988 was adopted and H.B. No. 2441, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Ihara). Noes, 2 (Hemmings, Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 2989 (H.B. No. 2349, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2989 be adopted and H.B. No. 2349, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"We certainly are in opposition to any violence against anyone, including health care personnel, but just like the Senate bill that we had in an earlier crossover session, I expressed my opposition because it singles out specific classes of people. Formerly, the bill that I'm referring to talked about lifeguards and water security people. There should not be violence against anyone, and the laws that we have on the books should be enforced fully against everyone. And rather than carving out niches like this, I think we're best served to have equality of enforcement. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2989 was adopted and H.B. No. 2349, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VIOLENCE AGAINST HEALTH CARE PERSONNEL," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2990 (H.B. No. 1190, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2990 was adopted and H.B. No. 1190, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2991 (H.B. No. 2132, H.D. 1, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2991 was adopted and H.B. No. 2132, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2993 (H.B. No. 1808, H.D. 3, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2993 was adopted and H.B. No. 1808, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2994 (H.B. No. 2133, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2994 be adopted and H.B. No. 2133, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"This bill again is opposed by the chief procurement officer, and it waters down the procurement process. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2994 was adopted and H.B. No. 2133, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2995 (H.B. No. 2897, H.D. 1, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2995 be adopted and H.B. No. 2897, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"This bill seems to be aimed at contractors. We certainly oppose the use of illegal workers on any construction projects, but this is the duty of the federal government. The federal government has been enforcing this, and it doesn't really put any burdens on illegal workers, just on employers and contractors. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2995 was adopted and H.B. No. 2897, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2996 (H.B. No. 2505, H.D. 1, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2996 be adopted and H.B. No. 2505, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“This is a bill that establishes yet another new special fund: the Access Hawaii Committee special fund. I cannot support creation of special funds. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2996 was adopted and H.B. No. 2505, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2997 (H.B. No. 2084, H.D. 1, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2997 was adopted and H.B. No. 2084, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2998 (H.B. No. 979, H.D. 1, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2998 be adopted and H.B. No. 979, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“This bill seeks a temporary diversion of special funds for a specific purpose, but in doing so, it disrupts the core functions and core programs of DLNR. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2998 was adopted and H.B. No. 979, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2999 (H.B. No. 2318, H.D. 2, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2999 be adopted and H.B. No. 2318, H.D. 2, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“This bill is another example of establishing a new Housing First Special Fund for the homeless; and as we’ve seen in the past, special funds are created, they’re hard to track, they’re not transparent, and later on, they’re raided for the general fund. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2999 was adopted and H.B. No. 2318, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HOMELESS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3001 (H.B. No. 2290, H.D. 2, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3001 was adopted and H.B. No. 2290, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Espero, Gabbard).

Stand. Com. Rep. No. 3002 (H.B. No. 2409, H.D. 2, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 3002 be adopted and H.B. No. 2409, H.D. 2, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Ihara requested that 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. 3002 was adopted and H.B. No. 2409, H.D. 2, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AQUACULTURE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Gabbard, Ihara). Noes, none.

Stand. Com. Rep. No. 3003 (H.B. No. 2266, H.D. 1, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3003 was adopted and H.B. No. 2266, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3004 (H.B. No. 2152, H.D. 1, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 3004 be adopted and H.B. No. 2152, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“You know, it’s difficult to be in opposition to a bill like this because there might be some people that’ll say, ‘Ah, then you’re opposed to people with disabilities.’ Not at all, and I think that people with disabilities should have an impact on the design process. However, this bill seems to be a real revenue producer because it creates a fee structure that would go to the disability board, and the fees go from a minimum of \$50 up to a total of \$10 million. This is totally out of whack, and it doesn’t serve the purposes or the needs of the disability community. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3004 was adopted and H.B. No. 2152, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3005 (H.B. No. 674, H.D. 1, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 3005 be adopted and H.B. No. 674, H.D. 1, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senators Slom, Fukunaga, Baker, Ige, and Chun Oakland requested that 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. 3005 was adopted and H.B. No. 674, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, Chun Oakland, Fukunaga, Ige, Slom). Noes, none.

Stand. Com. Rep. No. 3006 (H.B. No. 2000, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3006 be adopted and H.B. No. 2000, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Slom, Baker, Ige, Chun Oakland, and Fukunaga requested that 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. 3006 was adopted and H.B. No. 2000, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, Chun Oakland, Fukunaga, Ige, Slom). Noes, none.

Stand. Com. Rep. No. 3008 (H.B. No. 2294, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3008 was adopted and H.B. No. 2294, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3009 (H.B. No. 2377, H.D. 3, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3009 be adopted and H.B. No. 2377, H.D. 3, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Espero, Kidani, and Chun Oakland requested that 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. 3009 was adopted and H.B. No. 2377, H.D. 3, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Chun Oakland, Espero, Kidani). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3011 (H.B. No. 415, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3011 be adopted and H.B. No. 415, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure as follows:

"Thank you, Madam President. This will cause an audit of the Corrections Corporation of America, who's doing the State of Hawai'i a great service by incarcerating prisoners at approximately one-half the cost to the State. Why are we auditing an organization that's saving our taxpayers money in times of beleaguered economy and suffering tax receipts, when we're really ignoring the gaping hole in the state budget—the black abyss like a quasar sucking in all the taxpayers' money—the DOE, which has not had a management audit since 1973, or some of the other problematic state institutions who spend more and do less. This is a misplaced audit and a misplaced effort. Public safety is served extremely well by incarcerating the especially violent criminals on the mainland at great savings to the State of Hawai'i. Our audit money could be better spent identifying problems here in Hawai'i where money is really going to expenditures that need not be done. Thank you, Madam President."

Senator Espero rose in support of the measure as follows:

"It is very nice that we are able to send prisoners to the mainland, and at the tune of over \$50 million a year, it does

help our corrections system. However, considering the amounts of money that we are sending to the mainland, CCA has never been audited, and I think it just makes common sense that we look at their operations. You must remember that this is the organization that was running the women's Kentucky facility, where we recently returned all of our women prisoners from Kentucky due to allegations of sexual assault; and recently there was a murder in the Arizona facility, and we have yet to hear the outcome of that. So, it is nice that we are savings some dollars by spending these dollars on the mainland, but it just seems like it's the right thing for us to do to see if we want to continue sending these dollars to the mainland, and if we do, that the checks and balances and security of our inmates are certainly in place.

"Also, this looks at the Kulani Correctional Facility. Colleagues, about a couple weeks ago, I sent a correspondence to the director of public safety because I had found out that at the end of the closing days of Kulani, it was like Hanoi at the end of the Vietnam War: chaos, confusion, people running around, who was in charge? And what I had found out is they got a large backhoe and dug a big hole, and they put in government public safety records, and in that hole they burned those government records, and then they buried those government records which they burned. So, I've asked the Department of Public Safety for a report and status of why they disposed of government records in that manner. I'm not aware of any government manuals that says we will dig holes and burn government records. And I've also asked the Director of DAGS, Russ Saito, if his agency or department gave any guidance or direction on the destruction of these government records because DAGS is responsible for the record maintenance of our State. So there are some questions that need to be asked regarding the closure of Kulani, as well.

"So, I ask you to support this measure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3011 was adopted and H.B. No. 415, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3013 (H.B. No. 2461, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3013 be adopted and H.B. No. 2461, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"There are several troubling features to this bill which was the result of a gut-and-replace operation. First of all, there is a constitutional question about inserting the pilot program here. It may not meet the title requirements of a single element. Secondly, the moratorium on the drug purchases and so forth may do exactly what the opposite intention is, and that is it may cause drug prices and prescription prices to skyrocket during that moratorium. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3013 was adopted and H.B. No. 2461, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3015 (H.B. No. 2919, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3015 was adopted and H.B. No. 2919, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3016 (H.B. No. 2239, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3016 be adopted and H.B. No. 2239, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"Ah, this bill, this law, just keeps getting worse and worse and worse as we expand the reach of government and make this a revenue bill; has nothing to do with recycling. This time it's going after energy drinks and dietary supplements, but most importantly, it's going after the distilled beverage and wine industry. The distilled industry already is subject to hefty taxes, fees, and regulation in the State of Hawai'i, in addition to federal measures. So, anybody that talks about this in terms of recycling really is not being truthful to us; it is yet again another tax increase. Thank you."

Senator Kim rose on a point of information and said:

"The portion on wine and spirits were taken out of this draft, so it is no longer in here; it's just the energy drinks. Thank you."

Senator Slom rose in rebuttal and said:

"I do appreciate the Chair of Ways and Means, and since I don't imbibe any, you know, wine or spirits, I need all the energy I can get, so that's going to be more harmful for me. But thank you for the point of information."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3016 was adopted and H.B. No. 2239, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3017 (H.B. No. 2503, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3017 was adopted and H.B. No. 2503, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3019 (H.B. No. 2583, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3019 was adopted and H.B. No. 2583, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3020 (H.B. No. 2741, H.D. 1, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3020 be adopted and H.B. No. 2741, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Fukunaga, Ihara, and Slom requested that 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. 3020 was adopted and H.B. No. 2741, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL

BOAT HARBORS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Fukunaga, Ihara, Slom). Noes, none.

Stand. Com. Rep. No. 3021 (H.B. No. 2775, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3021 was adopted and H.B. No. 2775, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3022 (H.B. No. 2598, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3022 was adopted and H.B. No. 2598, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 14; Ayes with Reservations (Espero). Noes, 11 (Baker, Bunda, Chun Oakland, English, Fukunaga, Green, Hooser, Ige, Ihara, Takamine, Tsutsui).

Stand. Com. Rep. No. 3023 (H.B. No. 2984, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3023 be adopted and H.B. No. 2984, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Fukunaga, Baker, Green, Ige, Chun Oakland, Hooser, Bunda, and Espero requested that 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. 3023 was adopted and H.B. No. 2984, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, Bunda, Chun Oakland, Espero, Fukunaga, Green, Hooser, Ige). Noes, 1 (Ihara).

Stand. Com. Rep. No. 3024 (H.B. No. 2962, H.D. 1, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3024 be adopted and H.B. No. 2962, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

"This bill has two purposes: The first is to amend Hawaii's general excise and use tax laws to permit the state's participation in the national Streamline Sales and Use Tax Agreement, and secondly, to temporarily disallow tax liabilities from being reduced by tax credits under the technology infrastructure renovation tax credit and high technology business investment tax credit.

"My remarks are focused on the temporary disallowance of the reduction of tax liabilities under the technology infrastructure renovation tax credit and the high technology business investment tax credit. I would like to point out that the Department of Taxation estimate of a revenue gain of \$93 million in fiscal year 2011—both in testimony and in letters dated March 8 and March 11 from the Department to the Economic Development and Technology Committee—are unrealistic. The Department states that the methodology used to calculate this estimate is based on historical data of the actual credit claimed, which consists of credit claims for Year 1; the

tails of the credit for Years 2, 3, 4, and 5; and the carryover credits and an estimated new investment of \$50 million per year for fiscal year 2010 and 2011. Even if new investments reached the level of \$50 million for calendar year 2010, 35 percent of \$50 million—which is what would be allowed under the use of the credit—is only \$17.5 million. The historical actual claim credit usage rate of 50 percent would yield only \$8.75 million. Only six months of fiscal year '10 can be used in calculations since the bill cannot restrict investments made prior to the July 10, 2009, change in this law without retroactive application problems. Therefore, even under the best conditions involving the Department's assumptions and its methodology, the revenue gain is far short of the projection of \$93 million in fiscal '11, and would likely be equally short in fiscal years '12 and '13.

"In addition, I believe the bill is probably unconstitutional because it suspends the use of Act 221 investment credits accrued prior to July 10, 2009, when the law was changed. I therefore urge that if the Senate is committed to suspending the usage of Act 221 investment credits, that the language at least be modified to remove its constitutionality problems. Thank you."

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

"Very interesting bill, the construction of which to try to get two different constituents each year—the tech community and those that want to increase our taxes further with the streamline tax attempt. Again, this is a backdoor tax on the internet. It is not just to make up our taxes that are due to us. It is a very complicated and convoluted attempt to get the states together to raise more taxes, and then to force the federal government—which is going to be some task—to pass federal legislation. The Department of Taxation did testify that even if this scheme worked, that the amount of additional general excise and use taxes that would be collected would be very small and very minimal, but the cost to Hawai'i consumers, to families, to individuals that like the choice of shopping on the internet would be curtailed, and therefore I am strongly, continuously opposed to this tax."

Senators, Ige, Baker, Chun Oakland, Bunda, Espero, Hooser, and Ihara requested that 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. 3024 was adopted and H.B. No. 2962, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Baker, Bunda, Chun Oakland, Espero, Fukunaga, Hooser, Ige, Ihara). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3027 (H.B. No. 2643, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3027 be adopted and H.B. No. 2643, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose in support of the measure as follows:

"Colleagues, the price of a barrel of oil today is \$87. It's expected on the mainland that gas is going to increase to \$4 a gallon by the summer, and as you know, we're about 40 to 60 cents more than on the mainland. It's quite frankly embarrassing that we're spending \$5 to \$7 billion a year to light up our houses and to gas our cars and sending it to countries who hate our guts. So this particular bill will help actually reduce the amount of oil that we're importing.

"It's a good bill because it sets up a property-assessed, clean energy program that's been implemented in 16 states. It allows homeowners and small businesses to borrow in order to

purchase renewable energy and energy efficiency systems, and to pay back the loan on their property tax bill. And, as you know, one of the impediments right now for people to put PV on their roofs or install improved insulation is the upfront costs. So, what's great about this concept is that it takes the whole discussion of renewable energy out of the abstract and it makes it real. Imagine the joy of not having to send a check to HECO every month, like the Lagon family from Kalihi who has zeroed out their electric bill.

"Additionally, the program will be a great way for the counties and the state to work hand-in-hand on a concept that the *Harvard Business Review* has named one of the top ten breakthrough ideas for 2010. It will also greatly reduce electricity bills, create jobs, and help stimulate our economy. So, I ask you to join me in supporting this important legislation. Mahalo."

Senator Slom rose in opposition to the measure as follows:

"I certainly concur with the previous speaker's remarks. I certainly don't want to send any more money to those countries that hate us. That's why I support drilling in the United States of America and to encourage, by incentive, alternatives.

"Unfortunately, this bill, which has been amended several times, now has an unspecified amount for the general obligation bond funds, and as the previous speaker said, it will be an increased amount to pay back the bills added to individuals' real property taxes. If the trend of this Legislature and the national government continues, we would see that all of these things would become mandatory and compulsory later on, and without the figures and without the numbers from the City and County, for example, it may be quite some time before we'd be able to kick HECO's butt. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3027 was adopted and H.B. No. 2643, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CLEAN ENERGY BONDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3028 (H.B. No. 2644, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3028 was adopted and H.B. No. 2644, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3029 (H.B. No. 2688, H.D. 1, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3029 be adopted and H.B. No. 2688, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose in support of the measure as follows:

"Madam President, would you instruct the Clerk to enter my remarks into the Journal in support?"

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

"Madam President, I rise in support of HB 2688 SD2.

"Colleagues, as you know much media attention has been brought to a recent outbreak of E coli which was linked to an Oahu restaurant.

"This is just the tip of the iceberg in potential health concerns, because in 2009 Department of Health sanitation

inspectors found over 3,000 major violations that could have contributed to food borne illnesses or harmful contamination.

“This is coupled with the fact that the US Food and Drug Administration recommends one full-time food inspector for every 150 restaurants.

“But right now, on Oahu we have just one inspector for every 651 restaurants.

“This situation has resulted in restaurants being inspected only once every 2 to 2 ½ years.

“This bill attempts to remedy the critical shortage of sanitation inspectors in our state by raising the cap on how much money can be retained in the Sanitation and Environmental Health Special Fund for these purposes.

“I urge you to join me voting in support of HB 2688 SD2.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3029 was adopted and H.B. No. 2688, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3032 (H.B. No. 2087, H.D. 1, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3032 was adopted and H.B. No. 2087, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3033 (H.B. No. 2774, H.D. 2, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3033 was adopted and H.B. No. 2774, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3034 (H.B. No. 1901, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3034 be adopted and H.B. No. 1901, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“Again, this is another bill to seek an exclusion, an exemption, from the procurement law, the argument being there are few voting machine companies. This is something that the Elections Commission should have done adequately before we know that there has been litigation. There have been problems. There have been screw-ups with voting machines. That is not the reason to exclude the process from procurement. Thank you.”

Senators Hooser, Kim, and Ihara requested that 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. 3034 was adopted and H.B. No. 1901, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT OF VOTING SYSTEM EQUIPMENT,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Hooser, Ihara, Kim). Noes, 1 (Slom).

Stand. Com. Rep. No. 3035 (H.B. No. 2692, H.D. 1, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3035 was adopted and H.B. No. 2692, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3036 (H.B. No. 2698, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3036 be adopted and H.B. No. 2698, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom requested that 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. 3036 was adopted and H.B. No. 2698, H.D. 2, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3039 (H.B. No. 2083, H.D. 1, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 3039 was adopted and H.B. No. 2083, H.D. 1, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MILK LABELING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Green). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 3041 (H.B. No. 2376, H.D. 3, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3041 be adopted and H.B. No. 2376, H.D. 3, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“If we truly want one person or one entity to be responsible for education in the community, then what we do is really make them responsible, have full transparency, and let them make the choice of board members. We have, in the last several years, gone to this idea of having committees and selection process and all that, but again that gets away from the idea of pinning the tail on the either donkey or elephant, and letting the chief executive make those appointments, and then holding that person responsible. Thank you.”

Senators Espero, Baker, Fukunaga, Kidani, Nishihara, and Chun Oakland requested that 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. 3041 was adopted and H.B. No. 2376, H.D. 3, S.D. 2, entitled: “A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE BOARD OF EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, Chun Oakland, Espero, Fukunaga, Kidani, Nishihara). Noes, 1 (Slom).

Stand. Com. Rep. No. 3042 (H.B. No. 347, H.D. 2, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3042 be adopted and H.B. No. 347, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"I think this is the final of the long list of bills seeking exemptions to the procurement code; and even though I support my alma mater, the University of Hawai'i, they are not entitled under their arguments to an exemption. Thank you."

Senator Tokuda rose in support of the measure as follows:

"While this measure has evolved significantly as it has made its way through both houses and will likely continue to change as it goes through conference, the end goal of this bill remains the same: to provide the University with the flexibility and authority it needs to complete CIP and deferred and ongoing repair and maintenance projects, with the added benefit of increasing indirect costs funds being paid to the University and pumping jobs into our economy, all the while ensuring that our students and faculty have a safe place to learn and work.

"As amended, this measure would not exempt the University from the state procurement code or exempt them from the protest processes in place. Companies and individuals who feel aggrieved will still be able to protest any solicitation or award. What it will do is institute a two year pilot project that would exempt the University from the stay portion of the protest process. Essentially, at their own risk, the University can continue to proceed on a contract if they feel the protest at hand is without merit. Coupled with the protest bond provisions we passed last session, this seeks to reduce the number of frivolous protests that are filed to delay a project or potentially lapse funding.

"With over \$250 million in important projects funded and ready to go, our university system is poised to play a major role not only in educating our students, but our economic recovery as well. While we have made a number of concessions on this measure, I do recognize that this is a work in progress and that concerns still exist. I would ask for your support on this measure as we seek to improve or refine this bill as it heads into conference. Thank you."

Senator Hooser requested that 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. 3042 was adopted and H.B. No. 347, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Hooser). Noes, 2 (Ihara, Slom).

Stand. Com. Rep. No. 3043 (H.B. No. 921, H.D. 1, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 3043 be adopted and H.B. No. 921, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Kim.

Senator Slom rose in opposition to the measure as follows:

"This bill has gone a long way, a roundabout way. There's been a lot of changes. I'm sure it will be described as a work in progress as well, but it's a flawed bill at this moment, providing 999-year leases. It tries to address family disputes. It tries to address issues with ceded lands and non-ceded lands. It has a number of legal challenges within it, and I think we could do a better job without this bill. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3043 was adopted and H.B. No. 921, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 3044 (H.B. No. 1987, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 3044 was adopted and H.B. No. 1987, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3045 (H.B. No. 2421, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3045 be adopted and H.B. No. 2421, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"The description says 'food and energy security.' What it is is a massive tax increase. It would put us farther away from energy self-sufficiency by raising the current tax on a barrel, which is approximately 42 gallons of petroleum, from 5 cents per barrel to \$1.55 in this version. There have been desires and estimates as high as \$5 per barrel. In any case, it would adversely affect all business, all families, all consumers, energy products, electricity, food—the delivery of which is based on energy cost. It is a bad bill. It doesn't get us to more sustainability. It is a carrot and a stick without the carrot, and it is a disincentivizing bill. Thank you."

Senator Hemmings rose in opposition to the measure as follows:

"Thank you, Madam President. Why once again are we penalizing the poor citizens of this state rather than incentivizing those measures we wish to proceed on? I hearken back to the opening of this session today when we talked about studying implementing geothermal energy. Why don't we tax the Legislature for failing to do, 20 years ago or 30 years ago, what could have been done to help preempt the need for fossil fuels in this case? It would have preempted the barrel tax entirely.

"This bill increases the cost of living in Hawai'i, and then we turn around and say we have to raise taxes to help compensate the poor and the needy for their ability to survive in Hawai'i. Don't you see the great paradox in that? The reason why people can't live affordably in Hawai'i is because of what we're doing to them with bills like this under the guise, 'We're going to take care of them.' This doesn't take care of the people of Hawai'i, and it also doesn't necessarily take care of the real environmental problems facing the state. Rather, what this does is just pour more money into the government coffers that will be spent in some other area, such as collective bargaining.

"Ladies and gentlemen, though this may be innocuous in some people's minds and may be a targeted tax to help alleviate our dependency on fossil fuels, it is going to hurt the consumer and most especially the little guy. This is contrary to the best interests of the people of Hawai'i, and I urge my colleagues to further look at this bill and what we're doing here. The real solution to our economic woes in Hawai'i is to bring parity to government cost with that of the private sector, not just continue to throw money at certain special interest groups that dominate the budget process. Thank you, Madam President."

Senators Espero, Baker, Fukunaga, Ige, Ihara, and Bunda requested that their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Green requested that his vote be cast "no," and the Chair so ordered.

Senator Hemmings rose and said:

"Madam President, just parenthetically, after the fact: I've had the great pleasure of serving this Legislature for ten years.

It has been an honor, and I, except for one exception, voted 'with reservations' once. In hearing the apprehensions about this bill, I would plead with my colleagues here to take their reservations and turn them into reality by voting 'no.'"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3045 was adopted and H.B. No. 2421, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Baker, Bunda, Espero, Fukunaga, Ige, Ihara). Noes, 3 (Green, Hemmings, Slom).

Stand. Com. Rep. No. 3046 (H.B. No. 2595, H.D. 1, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3046 be adopted and H.B. No. 2595, H.D. 1, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Ihara, Baker, Ige, and Bunda requested that their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Fukunaga requested that her vote be cast "no," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3046 was adopted and H.B. No. 2595, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, Bunda, Ige, Ihara). Noes, 1 (Fukunaga).

Stand. Com. Rep. No. 3047 (H.B. No. 2381, H.D. 2, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 3047 be adopted and H.B. No. 2381, H.D. 2, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom requested that 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. 3047 was adopted and H.B. No. 2381, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 3048 (H.B. No. 2667, H.D. 2, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 3048 be adopted and H.B. No. 2667, H.D. 2, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"We just concluded Easter and Passover, and in Passover one of the great words is 'chutzpah,' and this bill is certainly an example of chutzpah. After destroying the private ferry system in the State of Hawai'i, we now have an attempt to establish a state-run, state-financed, statewide government ferry system. What could be more ludicrous? What could be more outrageous? I think the public will see through this and will nominate this for one of the worst bills of this session.

"At this time, Madam President, I also reiterate my call for correcting the erroneous record in the Senate Transportation Committee. As has been acknowledged previously, I voted 'no' on the Senate bill in Committee. It was recorded incorrectly, but somehow there still seems to be a problem in correcting a mistake. I know we hardly ever make a mistake in this body, but a mistake was made, a correction is needed, the Chairman has gone along with this, accepted this. I think that it is

important that that record be corrected and put online so that anybody who wants an accurate perusal of the votes will get that accuracy. Thank you, Madam President."

Senator Tsutsui rose in opposition to the measure as follows:

"I'm not quite sure how this crazy bill got this far, but would like to urge my colleagues to vote 'no' on this measure. Thank you."

Senator Hooser requested that his vote be cast "no," and the Chair so ordered. Senator Hooser also requested that comments in opposition to the measure be entered into the Journal and the Chair so ordered.¹

Senator Espero rose in support of the measure as follows:

"I'm a bit perplexed and baffled that we don't want to look at the idea or notion of utilizing our oceans for transportation. Maybe not next year, maybe not two years, but certainly five years down the road, ten years down the road. The taste of the Superferry is a bad taste—that we all agree with—but I believe that that failed due more to legal issues and the process. I believe if you were to check with your constituents and those residents that utilized the Superferry, you will find that many people see the value of using our oceans to travel, especially in light of possibilities where our airlines may one day be seriously impacted by the cost of fuel or other events beyond their control. But we shouldn't shut the door on ocean transportation. We shouldn't say, 'Just because the Superferry failed, we never want to open that door again.' We should use the Superferry and look at the good that came from that and the bad, and determine what would be the best way to progress. But I feel that the majority of Hawai'i residents feel that an ocean transportation system is in the best interests of this state. Farmers utilized it. Small businesses utilized it. Tourists utilized it. Many individuals benefitted from that ferry system, and for us to shut the door on this measure, I think is very short-sighted and tunnel vision. Thank you."

Senator Slom rose in rebuttal and said:

"First of all, there's good taste in my mouth about the Superferry. My constituents and other constituents in other areas were overwhelmingly in support of the Superferry; and as my colleague said, it absolutely brought people together: businesspeople, families, sporting groups, religious groups, others. That's all been taken away now.

"The issue is not ocean transportation. We all want ocean transportation. The question is: Who's going to run it? The state government that can't run a public school system? With furloughs? A situation where we're increasing the tax on fuel which would apply to surface vessels, as well as to airborne vessels? The issue is whether or not we could attract private investment; let the private investors take the risk which they did. No, Senator, the Superferry did not fail. The government failed the people. Thank you."

Senator Hee rose in opposition to the measure as follows:

"I agree with the Senate Superferry. I vote 'no.'"

Senator Espero rose in rebuttal and said:

"Just to comment after the good senator from Hawai'i Kai: We don't necessarily have to say we want a statewide ferry run by the State of Hawai'i. That doesn't have to be the outcome of this feasibility study. The outcome could be we looked at whether a statewide, government-run ferry system is the best, and looking at the history of the Superferry, we find that the private sector would do a better job. But let's not shut the door on at least looking at the possibility of a government-run—and I agree, I wouldn't want to have it government-run—but if this is one of the avenues to keep this idea alive, we should keep it

¹ Request withdrawn at later date

alive because we know that something like this is not going to happen for many years, but let's at least keep the dream alive. Thank you."

The motion was put by the Chair and failed to carry, Stand. Com. Rep. No. 3048 failed to be adopted and H.B. No. 2667, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FERRIES," failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes, 8. Noes, 17 (Baker, Bunda, Chun Oakland, English, Fukunaga, Galuteria, Hee, Hemmings, Hooser, Ige, Ihara, Kidani, Kokubun, Nishihara, Slom, Tokuda, Tsutsui).

Stand. Com. Rep. No. 3050 (H.B. No. 2631, H.D. 2, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Kim and carried, Stand. Com. Rep. No. 3050 was adopted and H.B. No. 2631, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY INDUSTRY REPORTING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3051 (H.B. No. 40, H.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 3051 was adopted and H.B. No. 40, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3052 (H.B. No. 2497, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 3052 be adopted and H.B. No. 2497, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"It's very interesting; the bill that we just passed revoking the special purpose revenue bonds for Carbon Diversion, Inc.--you may recall that I spoke and voted against. Then the Legislature and the Senate overwhelmingly approved it, and now we're revoking. One of the reasons that it was revoked--not as the proponents of the company said, because of a hostile takeover--it was because we couldn't figure out what they were going to do and why should we risk a special purpose revenue bond.

"Now, what we're going to do is issue special purpose revenue bonds for Carbon Bio-Engineers, Inc. To me, it seems that that is a successor company to the former company. And I note that the agent's name is one Dante Carpenter, former mayor of the Big Island, head of the Democrat Party in the State of Hawai'i, but there is no purpose given in the state-filed documents as to what this company's actually going to do.

"So again, I would caution us. We have gotten far afield of what the original purpose was for special purpose revenue bonds--for education, health, and welfare, and so forth--and I think that we're giving cover to a number of private entities that really have not proven themselves and have not become transparent. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3052 was adopted and H.B. No. 2497, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Third Reading on the following showing of Ayes and Noes:

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

At this time, the Chair made the following announcement:

"Re-referrals are made in accordance with the re-referrals listed on the Order of the Day and the Supplemental Order of the Day that may be distributed to your offices later this afternoon.

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

The Chair re-referred the following Senate concurrent resolution that was offered:

S.C.R. No.: Re-referred to:

S.C.R. No. 39 Committee on Ways and Means

Senator Gabbard rose on a point of personal privilege and said:

"I'd just like to ask you to direct the Clerk to note my reservations on H.B. 2409, H.D. 2, S.D. 1."

Senator Sakamoto rose to request that the Senate adjourn on a rising vote and observe a moment of silence in memory of Eric Maehara, who served in the State House of Representatives as a staff member, and Lance Corporal Curtis M. Swenson, a Hawai'i-based soldier. The Chair so ordered.

ADJOURNMENT

At 11:03 a.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, April 7, 2010, on a rising vote, observing a moment of silence in memory of Eric Maehara and Lance Corporal Curtis M. Swenson.