

THE
 TWENTY-FOURTH LEGISLATURE
 STATE OF HAWAI'I
 REGULAR SESSION OF 2007
 JOURNAL OF THE SENATE

FIRST DAY

Wednesday, January 17, 2007

In accordance with the provisions of Section 10 of Article III of the Constitution of the State of Hawai'i, the Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, was called to order at 10:05 o'clock a.m., by the Honorable Lorraine R. Inouye, Temporary Chair of the Senate.

At this time, the members of the Senate and guests rose to sing the National Anthem and "Hawai'i Pono'i" led by Na Leo.

The Divine Blessing was then invoked by the Reverend Robert Nakata, Kahalu'u United Methodist Church.

Nominations now being in order for a temporary clerk, Senator Kim nominated Carol Taniguchi, seconded by Senator Chun Oakland.

Senator Baker moved that the nominations be closed, seconded by Senator Tokuda and carried.

The Chair declared Carol Taniguchi as Temporary Clerk of the Senate.

Senator Hee then moved that a committee of three Senators be appointed by the Chair as a Committee on Credentials to examine the certificates of election of the newly elected members of the Senate and to submit a report of its findings to the Senate, seconded by Senator Hooser and carried.

The Chair thereupon appointed Senators Baker, Ige and Whalen to serve on such committee.

At 10:14 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:16 o'clock a.m.

SPECIAL COMMITTEE REPORT

Senator Baker, for the Committee on Credentials, presented a report (Spec. Com. Rep. No. 1) as follows:

"Honorable Lorraine R. Inouye
 Temporary Chair of the Senate
 Twenty-Fourth State Legislature
 Regular Session of 2007
 State of Hawai'i

Madam:

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, and finds that the following persons have been

legally elected and are fully qualified to sit as members of the Senate.

The newly elected Senators whose respective terms of office will expire on November 2, 2010, are:

Second Senatorial District

Russell S. Kokubun

Fourth Senatorial District

Shan S. Tsutsui

Eighth Senatorial District

Sam Slom

Ninth Senatorial District

Les Ihara, Jr.

Tenth Senatorial District

Brian T. Taniguchi

Eleventh Senatorial District

Carol Fukunaga

Thirteenth Senatorial District

Suzanne N.J. Chun Oakland

Fourteenth Senatorial District

Donna Mercado Kim

Fifteenth Senatorial District

Norman Sakamoto

Nineteenth Senatorial District

Mike Gabbard

Twentieth Senatorial District

Will C. Espero

Twenty-Fourth Senatorial District

Jill Tokuda

Twenty-Fifth Senatorial District

Fred Hemmings

Respectfully submitted,

/s/Rosalyn H. Baker
/s/David Y. Ige
/s/Paul Whalen”

Senator Nishihara moved that Special Committee Report No.1 be adopted, seconded by Senator Espero and carried.

The Committee on Credentials was thereupon discharged with thanks.

The Chair called upon Chief Justice Ronald T.Y. Moon of the Hawai‘i State Supreme Court to the rostrum to administer the oath of office to the newly elected members of the Senate.

Chief Justice Moon administered the oath of office to the newly elected members of the Senate who were standing at their respective desks.

The Roll was then called by the Temporary Clerk showing all Senators present.

Nominations for officers of the Senate being next in order, Senator Kokubun placed in nomination the name of Senator Colleen Hanabusa for President of the Senate, seconded by Senator Hee.

Senator English moved that the nominations be closed, seconded by Senator Taniguchi.

The motion to close the nominations was then put by the Chair and carried unanimously and the Temporary Clerk was directed to cast a unanimous ballot for Senator Colleen Hanabusa as President of the Senate.

The ballot having been so cast, Senator Colleen Hanabusa was declared unanimously elected President of the Senate of the Twenty-Fourth Legislature of the State of Hawai‘i, Regular Session of 2007.

The Chair then appointed Senators Kim and Hemmings to escort the President to the rostrum and the President addressed the members of the Senate and guests as follows:

“Governor Lingle, Lt. Governor and Mrs. Aiona, Chief Justice Moon, Mayor Baptiste, Mayor and Mrs. Kim, Mayor Tavares, Former Governor and Mrs. Ariyoshi, Former Governor and Mrs. Waihee, Former Governor and Mrs. Cayetano, esteemed colleagues, honored guests, ladies and gentlemen:

“Aloha.

“I am honored – and humbled – to speak to you today.

“I stand before you, the fourth generation of a family who has benefited from the support of a community that has had so little . . . and shared so much. I speak to you about Waianae – our home, and a very special place to my family and me . . . a place whose name calls forth so many different images for each of you . . . a place that many of us, despite our community pride, were once ashamed to admit we were from . . . a place whose generosity and forgiveness has sometimes caused it to be taken advantage of . . . a place that in too many cases has become a dumping ground for much of this island.

“The Waianae that I love is a beautiful place with miles of beaches and deep blue sea, lined with my favorite tree – the kiawe, with its toughness and special beauty. And it is a place that I proudly say shaped who I am today.

“I mention Waianae because of what it represents – a community with its own unique character; a community of great heart, with a people who have come to appreciate what others have missed. To be from Waianae is to acknowledge our challenges, celebrate our strengths, and share our hopes. In those ways, Waianae is a reflection of our state – representing the challenges and contrasts that are now Hawai‘i . . . challenges, contrasts, hopes.

“Hawai‘i has seen phenomenal economic growth since the strain that came in the wake of 9-11. State revenues climbed over 45 percent from fiscal year 2002 to 2006. Hawai‘i’s growth for 2005 is said to be ninth in the nation. Our unions report that no one is on their benches because everyone who wants a job is working. Our state enjoys the lowest unemployment rate in the nation, at 2.3 percent.

“But for almost one in ten of our working population, the price of paradise is holding multiple jobs. The average national wage for 2005 was \$46,675. In Hawai‘i, it was \$36,355. Our average wage ranks 26th in the nation.

“Construction booms and we continue to add more houses to neighborhoods across our state, yet our homeless population has doubled since 1999. According to recent reports, the total number of homeless in Hawai‘i on any given day is probably over 6,000 individuals, including a growing, devastating number of children. Some reports show our rents doubling from 2001 until today. The number of hidden homeless – those staying with family or friends because they simply cannot afford a place to live – is estimated to be nearing 230,000. The population at risk of becoming homeless is nearly 190,000.

“Last week, a report was published based on data compiled two years ago, and this report awarded Hawai‘i the dubious distinction of ranking fourth in the nation as to percentage of population that is homeless. The Czar of Hawai‘i’s homeless project expressed surprise that we are not number one. If current 2007 data were used – shamefully – we certainly may be number one. And we know where the largest population of homeless is – they are on the Waianae Coast.

“And yet, on the Waianae Coast alone you will find five ‘birds of paradise’ – construction cranes, which represent about one billion dollars of economic impact.

“How is it possible with such economic growth that so many of us wonder if we will be able to pay our mortgages next month? How is it possible that with so much housing, so many are homeless?

“These are among the challenges of moving Hawai‘i forward in the 21st century. We want a vibrant economy, but we want to control growth. We want more housing, but we want to preserve our open space. We want to share this special place, but we want it to be first a place for our families.

“These contrasts mean that it is only when we can clearly understand what the people of this State want that we the elected officials, their representatives, can legislate for them now and into the future.

“We as a state have relied upon imports to sustain us. We have experienced the closure of large agricultural entities, representing not only the loss of jobs but of a lifestyle, an economic engine and a promise of open space.

“We felt the consumer’s displeasure with the gas cap law. I believe the consumers felt as they did because it punctuated our uncertainty and our helplessness in a dangerous dependence on

fossil fuels and the perceived control the oil companies have upon our lives.

“We always face the challenges of education. Each year more people believe that no matter what we as government do, we just miss the point. Too many remain convinced that we don’t – can’t – get it right.

“We in the Senate believe that to meet these challenges of the future, we must plan for it in a comprehensive manner. Our resources are finite, and once depleted are gone forever. Two years ago the Senate Majority adopted as our policy, the concept of Sustainability. In 2005, a law was passed that established the Sustainability Task Force of 2050.

“I know that many are saying, ‘This is just the politically correct word of the week. You lawmakers are going to do studies and come up with plans and charts and binders that you can put on a shelf and ignore.’ You think it is the same old shibai – that your representatives are going to be satisfied with a PowerPoint and a pat on the back.

“The truth is, if you, our constituents and the communities we represent, join us in collectively defining and creating a sustainable Hawai‘i, we can, we will, we must make this happen. We must define what is sustainability! This has to be a collective effort on all of our parts. We must all participate. We are all responsible to achieve a Sustainable Hawai‘i.

“As the Legislature:

- We must address issues of meeting our daily needs while eliminating our reliance on imports and fossil fuels. We can no longer avoid difficult discussions about energy and renewable resources.
- We must address land use and the obvious conflict between housing and agriculture and open spaces.
- We must address healthcare and how we provide and pay for it into the future. We must ask the difficult questions to understand how the crisis at Kahuku Hospital came to be; and more importantly, how do we provide essential life and safety services to our rural areas and Neighbor Islands. As Mayor Kim pointed out to me yesterday – there is a crisis on the Big Island. They desperately need more physicians.
- We must address a healthy economy. One that recognizes that our State’s long-term survival lies with a diversified economy.
- Most importantly, we must address how we present a future that gives hope for those who identify with our working families, our middle class – and feel that we are losing the fight to close that divide between the haves and the have-nots.

“We as policy makers must build upon our State’s obvious strengths.

- Hawai‘i is blessed with a perfect climate and a tolerant, multi-cultural society that combine to make our lifestyle the envy of the world. We must protect this.
- Hawai‘i is a natural for certain academic studies, such as astronomy, medical research and biotechnology. We must foster this.

“But we cannot be blind to our challenges.

- We are an isolated island state. Our economic opportunities are limited by geography. We cannot realistically expect to manufacture in the traditional sense.
- Our prime industry, tourism, depends on the preservation of our environment. We, as the current stewards of the islands have a moral obligation to protect the aina. More importantly, we must honor our host culture – which this industry relies upon – but we take for granted.
- We must ensure that the military and federal government, construction industry, and small business remain a vital part of our future.

“Our journey to a sustainable Hawai‘i will be neither short nor simple. But there are actions that we can take immediately towards that end. We must concentrate on the children. For among our most important duties must be to define the Hawai‘i that they would want to be a part of in 2050.

“Education is key, and to achieve excellence our students must want to learn. To meet our commitment to excellence, we must provide the physical and technological infrastructure to support education. Among the priorities for this Senate, you will find early childhood facilities, continued attention to the repair and maintenance of schools, climate control using alternative and preferably renewable energy. Tied to this is a measurement of accountability. To do this, we will make the measurement standards of No Child Left Behind relevant to Hawai‘i and further empower the School Community Councils with increasing funding responsibilities and the authority to meet the unique needs of each school community. Senator Norman Sakamoto will lead this part of our journey.

“The health of our children is critical. The Senate will pass a bill to provide healthcare coverage for **all** children in Hawai‘i. It will address family care giving, the ability of working people to build assets and reach economic stability.

“We will address our housing needs. To do so, we must recognize that housing has so many facets from homelessness, transitional housing and to that which is affordable. Senators Suzanne Chun Oakland and Brian Taniguchi will tackle this challenge.

“I learned an important lesson about 15 years ago. My niece, Nicole, who is sitting up there, was in Kindergarten and she first learned about recycling and how soda cans should not be thrown away. She drove her parents crazy because she monitored her family on soda cans. A five-year-old who would not let a soda can hit the rubbish can.

“The lesson was simple. We need to start with the children because they seem to comprehend issues of what is fundamentally correct a lot better than the rest of us. They do not gripe about what is convenient; they simply look upon it as what is right.

“The challenge to the Sustainability Task Force is to look to the youth to be our messengers and monitors. Challenge the utilities such as Hawaiian Electric and create programs that focus on challenging behavior, changing the behavior and rewarding the young for being responsible. Give incentives to schools when the students assist in conservation measures.

“Another challenge to the Task Force is to be bold and define our sustainable community in its ultimate form. We should look at what the military is doing and how their communities

must have 30 percent of their energy generated on site. They are planning to do this through solar and photovoltaic systems. Why aren't we? Why don't we say at least 50 percent? The time has come for us to look at land use planning as a tool for setting these kinds of criteria. We must reward the kinds of development that we believe serve our future. Make each community dispose of its own opala; have true affordable housing components; require water to be recycled and open space to be preserved. In exchange, a developer's time to process applications should be substantially reduced.

"Senator Russell Kokubun tells me he is up to leading us in this challenge.

"But the major factor of any child's future is just that: the promise of a future in this State – their State.

"I have had next to my computer screen for the past four years, the graduation picture of a young man named Nick Smith. He graduated from Waianae High School and his picture serves as a constant reminder that I must do all I can to complete my promise to him and others.

"Nick Smith, Sam Kapoi, Solomon Alfapada and Chad Brown – I call them my Searider kids. I watched them grow in that program and I am now awaiting their graduation this year from the Art Institute in Santa Monica, California in video and film production.

"The success of the Searider Productions at Waianae High School has far exceeded even my dreams. It teaches us that the proper combination of teachers, administration, raw talent, facilities, and, most importantly, a sense of hope and pride, creates students who can be the best, not only in this State but in the nation. Who would have thought that the kids from Waianae could win an Emmy for their work? Today, the high school students of Searider Productions are recognized as so accomplished that when they enter Olelo's Youth Exchange video competition, they must compete on the university level.

"I would like you to meet the face of Searider Productions. Yes, she has other teachers who work along side her, and we owe them all a deep and lasting gratitude. But she is the girl from Waianae who came home and put her heart and soul into helping these kids dream big dreams, and become the best they can be.

"She is Candy Suiso. Candy, please rise. (Ms. Suiso rose to be recognized.)

"Candy and I have talked about what is next. What do the Nick Smiths have as a future in Hawai'i? We decided that we really need one of them to be the next George Lucas and bring a whole media industry home to Hawai'i.

"Well, Hawai'i's answer to George Lucas has found Candy and the Seariders and he remains committed to them. He is Chris Lee, best known as the former head of Columbia-Tristar Pictures and Executive Producer of Superman Returns. Chris is not from Waianae, but he shares the same heart and wants to bring Superman Returns II and his other projects to Hawai'i. He reflects on how we have lost many opportunities, such as the production of the Steven Spielberg/Tom Hanks mini series, Band of Brothers. One reason is that while we have relied so much on the natural beauty of our islands, we have not benefited from the talent of our students. We need both to build this new industry.

"I would like to introduce Chris Lee. (Mr. Lee rose to be recognized.)

"In my discussions with Chris, it is evident that an education system that believes all students must go on to college is no longer relevant. We need to look at our students' unique talents and develop those job opportunities that will sustain them into the future.

"Chris has called upon us to embrace what he calls 'learning from Waianae' and look at what Candy Suiso has done with the Searider Productions program.

"His vision, and one that is shared by Senator Carol Fukunaga, Senator David Ige and myself, is that Hawai'i needs to position itself as a **Creative Media Digital Hub**.

"The Academy for Creative Media is established, and programs like Searider Productions have demonstrated the transformational power of multi-media literacy to engage our most at risk students. Hawai'i can provide the digital education center for the Pacific. But we need to find it a permanent home.

"In government, the same question follows every good idea: how do we pay for it? We will call upon the private sector to assist us, and we will count on an individual who has been there for the Seariders and the Waianae Coast. What many do not know is that when Searider Productions' media center first opened, Ko 'Olina Charities funded the purchase of all of their video equipment. It has continued as a big supporter through the Ko 'Olina Training Fund, providing scholarships for many of the graduates of the Leeward Coast, including the Searider Kids.

"I have asked Jeff Stone to permit us to redirect and reallocate the Ko 'Olina Aquarium Tax Credit to this end. What many are not aware of is that *not a penny* of the Tax Credit has been taken. This is because the true value of the Tax Credit was that when it became law, it made a statement to the world that Hawai'i was committed to supporting that region, the West side of O'ahu, to ensure its success. The controversy surrounding the tax credit put Ko 'Olina on the map. So much so that soon after its passage, Ihilani – its only hotel in Ko 'Olina at that time – its spa, its lagoons and its sunset were voted the best in Hawai'i. Ko 'Olina became a household word and the rest is history.

"Let us not forget that it was there to kick start and sustain the economy for the West side of O'ahu.

"This same impact can be made for this new industry or any other industry – one that will bring back the Nick Smiths and keep in Hawai'i the talents of the Chris Lees – and provide Candy Suiso and her fellow teachers the opportunity to say, there is a job for you after you graduate. Senator Carol Fukunaga will shepherd the permanent home for the Academy for Creative Media and the necessary infrastructure for this industry, along with projects to encourage the development and success of targeted industries based upon technology and sciences.

"I would like to see the tax credit redirected and continue to support the West side. However, it is up to this Legislature, along with the Governor, to make this decision.

"Still, there remains a part of the Ko 'Olina Tax Credit that I believed in, and that was the development of a training hotel that will allow Hawai'i to become known for its great managers. It would encourage hotels around the world to look to us for our skills – our natural skills in hospitality. This will help build the middle class. I could not imagine why Hawai'i does not lead the way in this industry for the world. After all, what people want is what is naturally here – the people and the generosity we all have gained from our host culture.

“Senator Donna Mercado Kim – whose advocacy for the tourism industry is unrivaled – will lead our efforts to define and redirect this tax credit.

“This is an exciting 24th Legislature for us in the Senate. We have heard the concerns of our constituents, and have the opportunity to provide the leadership that will address their most pressing questions. The questions are: Will my grandchildren grow up in Hawai‘i? What kind of Hawai‘i will they inherit? Would we recognize it?

“The Hawai‘i that we will work to preserve is one that our children can choose to live in, and not have to leave because of the lack of opportunities. We will be the Hawai‘i that they would want to raise their children in.

“It is a Hawai‘i which is built on respect . . . one that balances our diverse interests . . . one that acknowledges that only with respect for the people, the land and the environment will we have balance.

“Sustainability is not just another buzz word for this Legislature. We ask you to dare us. Challenge us. Hold us to our commitment. And then join us. Share your stories, your hopes and your energies. Together, we will make sustainability a reality, and not just the political word of the week.

“Together, we will sustain our children by providing the health care they need. We will sustain our students by providing the quality education that is their future and ours. We will sustain our families by providing safe, affordable places to live. We will sustain our economy, and our environment, and our tomorrows.

“This is our place – our Hawai‘i, our home, our very soul. This is our promise – a promise to our people and our state. A promise for generations to come, who will look back at our time and say, what we have is because of what they did for us.

“Mahalo and Aloha.”

Senator Hemmings, Minority Leader of the Senate, then responded as follows:

“Before we start, how about Tadd Fujikawa – do we have something to be proud of here in Hawai‘i. I hope we can all put smiles on our faces, because the convening of this Legislature means we control our destiny. We’re living in a free country where the future is ours to make.

“Madam President, you’ve outlined some of our challenges.

“I’d like to say greetings to Governor Lingle, Lieutenant Governor and Mrs. Aiona, members of the Judicial Branch of government, Hawai‘i’s distinguished Mayors, leaders of the Office of Hawaiian Affairs, distinguished guests, Madame President, colleagues, and the people who are making all of this possible – the people for whom we work – the citizens of Hawai‘i:

“Aloha.

“As we convene this 24th Legislature, the reality is that many of our current challenges are generations old. The good Governor George Ariyoshi in his state of the State speech in 1979 stated that there is a great need to ‘improve our economic climate in Hawai‘i.’

“In his opening day speech on January 21, 1987, Senator Dicky Wong said that he fully expected a lot of devotion to be

directed to ‘the concerns of business and the improvement of Hawai‘i’s business climate.’ He went on and stated ‘upgrading our educational system is a major priority.’ That was 1987. Our response to the daunting tasks before us cannot and must not be ‘business as usual.’

“In November of 2006, the people of the State of Hawai‘i gave Governor Lingle, her cabinet and administration a historic and unprecedented mandate. This Session, we will be performing our constitutional duty of advise and consent concerning her nominees to the cabinet. This Honorable Body must provide advise and consent based on merit and performance – NOT politics and personalities. With that in mind, I am sure the Governor’s nominees will receive the blessing of this Senate.

“Senate Republicans believe we should focus this Session on three initiatives – the Family, the Economy, and the Environment.

“The foundation of great societies has never resided in its armies, interest groups, government, business institutions. The foundation of healthy and vibrant nations exists within families.

“We have created a package of legislation that will care for our aging seniors and the most vulnerable amongst us – the sick, the poor and the hungry – thereby strengthening Hawai‘i’s families. For the convenience of the word du jour, we are not abandoning our quest to eliminate the regressive tax on food and medical care. It’s still needed.

“We believe that the projected tax surplus is just that – it’s a surplus. We are calling for a substantial rebate of the tax surplus to be distributed to each man, woman, and child in the state; not the token \$1. Price gouging at the gas pump by government must cease. That is why we are joining the Governor in calling for a continued waiver of the excise tax on gasoline. This would reduce gas costs a projected 11 cents a gallon, immediately.

“Continued commitment to community safety and protecting our families from the criminal element is most important. To the credit of the Legislature and under the Judiciary Committee leadership of you, Madam President, we passed legislation that will put three-time violent offenders in prison. It’s no secret that consequences, in the form of mandatory penalties, deter crime. We would like to continue our commitment to community safety by establishing mandatory minimum sentences for crimes committed against children and families.

“Government does not make a good parent. The reinstatement of parental rights and responsibilities is crucial to a healthy state. Incredibly, in Hawai‘i, if a mother is assaulted, a much loved and anticipated unborn child can be battered and even murdered without consequence. We will introduce legislation to correct this injustice and provide safeguards for the abused and those at risk in our society. These bills will surely strengthen families.

“We believe that charter schools are part of the success story the state so desperately needs in the realm of education. With that in mind, we are providing legislation that will create a charter school for autistic children. This will be beneficial to families with autistic children and more cost-effective for the public education system.

“I harkened back to our predecessors’ efforts to diversify our economy. The sad business headline of the January 9th *Honolulu Advertiser* stated that a Hawai‘i based business had decided to open a \$220 million polysilicon production plant in Idaho. We must eliminate state government induced red tape,

time, money, and taxes that year in and year out chase business and our youngest and brightest away from our Hawai'i.

"We have drafted legislation that will create maritime and space launch and technology enterprise zones. These enterprise zones will provide for streamlined permitting and tax credits for revenue-producing businesses. It's no secret that our island state has less recreational mooring space than most other states in the nation, incredibly, including those states that are landlocked.

"The southeast flank of the Big Island remains the most ideal place in the world for equatorial and polar launches. The Big Island should be our planet's gateway to the stars.

"Though space industries were proposed years ago, the will and leadership were lacking at the time to make it happen. Maritime and space industries are opportunities that are long overdue. Madam President, I think we have the will and the leadership to make it happen now. Let's make our small boat harbors vibrant and launch Hawai'i into the 21st century with space industries.

"Government owned and/or sanctioned monopolies have created havoc in our economy. At the national level, the monopolistic Social Security System is a prime example of spending more and receiving less, or maybe not even receiving anything at all from a government program. Social Security would be called a Ponzi Scheme if operated by the private sector.

"Here in Hawai'i we have similar monopolies that are problematic, such as the approximate two-and-a-half billion dollar Department of Education monopoly of our tax dollars. This year we have a chance to eliminate a process that protects another state monopoly. As we have done for years, the Senate Republicans will support legislation to eliminate the conflict of interest Certificate of Need process for medical care and hospitals.

"My family – my beautiful wife, Lydia, and my children and grandchildren – paddled canoes out to the Mokuluas off Lanikai on Christmas day. From the small beach, we looked across the tranquil ocean at O'ahu. Once again, we were reminded of our true blessings – our natural resources and the beauty of these islands we call Hawai'i.

"This past year I was proud to work with Governor Lingle and President Bush in creating the world's largest marine sanctuary. The President designated the Northwest Hawaiian Island Archipelago as a National Monument. Long term management and protection of our state resources in Hawai'i must start now.

"The ancient Hawaiians in their wisdom did not view the ocean as an alien environment. This could be the reason why they were wise enough to recognize ocean waves not as a threat or peril, but as a source of pleasure. How smart they were to be the first to surf – ride waves for pleasure. They also extended their ahupua'a system of land use to the furthest reaches of their near-shore ocean.

"For years now, we have been struggling with legislation to address user conflicts and commercial exploitation of our ocean resources in a piecemeal manner. It is time to implement legislation to institute a state ocean commission to zone all state waters and preempt the problems of the future. For the record, this will not preempt county home rule as the ocean waters are all within state jurisdiction.

"There is a growing concern in the resident community in Hawai'i about the carrying capacity of our vibrant tourist industry. Recent polls indicated that approximately 80 percent of our citizens agree that 7.5 million tourists a year are enough. Problems range from user conflicts in our natural areas to excessive property tax increases in residential neighborhoods due to illegal transient accommodations. These things cause much consternation and concern with our neighbors and friends.

"We are introducing legislation that will stabilize the number of visitor accommodations from hotel rooms to bed and breakfast operations statewide. Each visitor accommodation will have to have a license with a finite number of licenses being issued.

"Because of the laws of supply and demand, this will be, believe it or not, a win-win for everybody. A stabilized number of rooms will become more economically productive for the industry. Stabilizing the number of visitors in the state at any given time will be beneficial to our lifestyles and help conserve our natural resources.

"Energy independence is so important economically, environmentally and geopolitically. Last Session's energy package was a good starting point. Now we have a tough decision to make. Do we build an ethanol-based economy which would be labor, land and environmentally intensive? Most visionaries see the world's ground transportation in the future being propelled by hydrogen.

"Senate Republicans want to expedite Hawai'i into a hydrogen economy. The private sector is producing hydrogen cars but the only service station currently available in Hawai'i is located on a military base. We propose legislation to create at least four public service stations the will service hydrogen vehicles. There is no doubt that Hawai'i's abundant renewable energies, such as wind, solar, ocean and geothermal, can be utilized to produce hydrogen in an environmentally friendly economy. The reason I am so sure about this concept is because hydrogen is already being effectively utilized in Iceland.

"It is my prayer that some day 20, 30 or more years from now, future leaders are not once again calling for energy independence, a diversified economy, better education and all the other solutions that should have been instituted long ago. I would suggest that leadership includes the courage to be bold, possess the wisdom to be innovative, and has the vision to lead. It is our hope, your Senate Republicans, Madam President, that this Senate does not surrender our future to 'business as usual' or the loudest protestor. I know this Senate can seize the day. The future is ours to make.

"Thank you."

At 11:07 o'clock a.m., the Senate stood in recess subject to the call of the Chair. The Kamehameha Schools Children's Chorus serenaded the members of the Senate and their guests at this time.

The Senate reconvened at 11:29 o'clock a.m.

The President then announced that nominations were in order for the office of Vice President of the Senate.

Senator Tsutsui placed in nomination the name of Senator Donna Mercado Kim for Vice President of the Senate, seconded by Senator Fukunaga.

Senator Sakamoto moved that the nominations be closed, seconded by Senator Tokuda.

The motion was then put by the Chair and carried unanimously and the Temporary Clerk was directed to cast a unanimous ballot for Senator Donna Mercado Kim as Vice President of the Senate.

The ballot having been so cast, Senator Donna Mercado Kim was declared unanimously elected as Vice President of the Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 1 and 2) were read by the Temporary Clerk and were disposed of as follows:

S.R. No. 1, providing for the election of Carol T. Taniguchi for Clerk of the Senate, Laurel A. Johnston for Assistant Clerk of the Senate, Bienvenido C. Villafior for Sergeant-at-Arms of the Senate, and Jayson M. Watts for Assistant Sergeant-at-Arms of the Senate, Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, was offered by Senators Hooser and Hemmings.

On motion by Senator Hooser, seconded by Senator Hemmings and carried, S.R. No. 1 was adopted.

The President thereupon administered the oath of office to the newly elected Clerk, Assistant Clerk, Sergeant-at-Arms and Assistant Sergeant-at-Arms of the Senate.

S.R. No. 2, entitled: "SENATE RESOLUTION ADOPTING THE RULES OF THE SENATE OF THE TWENTY-FOURTH LEGISLATURE," was offered by Senators Hooser and Hemmings.

On motion by Senator Hooser, seconded by Senator Hemmings and carried, S.R. No. 2 was adopted.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 1) was read by the Clerk and was disposed of as follows:

S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE OF THE HAWAII SUPREME COURT TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION FOR THE STATE OF THE JUDICIARY ADDRESS," was offered by Senators Hee and Kokubun.

On motion by Senator Hooser, seconded by Senator Ige and carried, S.C.R. No. 1 was adopted.

At 11:34 o'clock a.m., the Senate stood in recess subject to the call of the Chair. At this time, the members of the Senate and their guests were entertained by the Hawai'i Youth Opera Chorus, Kaukahi, and Na Leo (accompanied by Mr. Ben Vegas).

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

INTRODUCTION OF SENATE BILLS

On motion by Senator Ige, seconded by Senator Whalen and carried, the following bills passed First Reading by title and were deferred:

Senate Bill

No. 1 "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE."

Introduced by: Senator Menor, by request.

No. 2 "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION."

Introduced by: Senators Hee, Sakamoto.

No. 3 "A BILL FOR AN ACT RELATING TO KAHANA VALLEY STATE PARK."

Introduced by: Senator Hee.

No. 4 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO ALLOW THE STUDENT MEMBER OF THE BOARD OF EDUCATION TO VOTE."

Introduced by: Senators Hee, Sakamoto.

No. 5 "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES."

Introduced by: Senators Hee, English.

No. 6 "A BILL FOR AN ACT RELATING TO OPIHL."

Introduced by: Senators Hee, Kokubun.

No. 7 "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."

Introduced by: Senators Baker, Tsutsui, Chun Oakland, Ige, Menor, Sakamoto.

No. 8 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Senators Ige, Chun Oakland, Ihara, Hemmings, Bunda, Nishihara, Slom.

No. 9 "A BILL FOR AN ACT RELATING TO INFORMATION."

Introduced by: Senators Ige, Baker, Fukunaga, Gabbard, Ihara, Tokuda, Hanabusa, Nishihara, English, Chun Oakland, Hemmings, Espero, Bunda, Taniguchi, Trimble, Sakamoto, Slom.

No. 10 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Senators Ige, Chun Oakland, Fukunaga, Gabbard, Bunda, Ihara, Tokuda, Hanabusa, Slom, Hemmings, Sakamoto, Taniguchi, Nishihara, Espero.

No. 11 "A BILL FOR AN ACT RELATING TO EXCISE TAX ON HEALTH CARE."

Introduced by: Senators Ige, Baker, Fukunaga, Ihara, Tokuda, Nishihara, Chun Oakland, Hemmings, Espero, Sakamoto, Bunda, Hanabusa, Slom.

No. 12 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION."

Introduced by: Senators Ige, Baker, Fukunaga, Ihara, Hanabusa, Nishihara, Chun Oakland, Espero, Sakamoto, Bunda.

No. 13 "A BILL FOR AN ACT RELATING TO ORAL HEALTH."

Introduced by: Senator Ige, by request.

No. 14 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Senators Sakamoto, Hooser, Hee, Tokuda, Nishihara.

No. 15 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Tokuda, Nishihara, Chun Oakland, Hee.

No. 16 "A BILL FOR AN ACT RELATING TO THE HAWAII CONSTRUCTION WORKFORCE ACTION PLAN."

Introduced by: Senator Sakamoto.

No. 17 "A BILL FOR AN ACT RELATING TO PROCUREMENT."

Introduced by: Senator Sakamoto.

No. 18 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Senator Sakamoto.

No. 19 "A BILL FOR AN ACT RELATING TO FIREWORKS."

Introduced by: Senator Inouye, by request.

No. 20 "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS."

Introduced by: Senator Inouye.

No. 21 "A BILL FOR AN ACT RELATING TO LEEWARD COMMUNITY COLLEGE."

Introduced by: Senators Nishihara, Kokubun, Hemmings, Taniguchi.

No. 22 "A BILL FOR AN ACT RELATING TO GAMBLING."

Introduced by: Senator Nishihara.

No. 23 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII-WEST OAHU."

Introduced by: Senator Nishihara.

No. 24 "A BILL FOR AN ACT RELATING TO TEMPORARY FACILITIES FOR THE UNIVERSITY OF HAWAII-WEST OAHU."

Introduced by: Senator Nishihara.

No. 25 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."

Introduced by: Senator Nishihara.

No. 26 "A BILL FOR AN ACT RELATING TO ELECTIONS BY MAIL."

Introduced by: Senator Nishihara.

No. 27 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Nishihara.

No. 28 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Senators Nishihara, Ige.

No. 29 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Nishihara, Ige.

No. 30 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU TO DESIGN AND CONSTRUCT A SIDEWALK ON THE NORTH SIDE OF WAIPAHU STREET, OAHU."

Introduced by: Senator Nishihara.

No. 31 "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS."

Introduced by: Senators Nishihara, Kokubun, Taniguchi, Hemmings.

No. 32 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Senator Nishihara.

No. 33 "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE."

Introduced by: Senator Nishihara.

No. 34 "A BILL FOR AN ACT RELATING TO SCRAP DEALERS."

Introduced by: Senators Nishihara, Kokubun, Hemmings.

No. 35 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Senator Nishihara.

No. 36 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM."

Introduced by: Senator Nishihara.

No. 37 "A BILL FOR AN ACT RELATING TO STATE OF HAWAII."

Introduced by: Senator Nishihara.

No. 38 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."

- Introduced by: Senator Nishihara.
- No. 39 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."
Introduced by: Senator Nishihara.
- No. 40 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII."
Introduced by: Senator Nishihara.
- No. 41 "A BILL FOR AN ACT RELATING TO TOURISM."
Introduced by: Senator Nishihara.
- No. 42 "A BILL FOR AN ACT RELATING TO TOURISM."
Introduced by: Senator Nishihara.
- No. 43 "A BILL FOR AN ACT RELATING TO TOURISM."
Introduced by: Senator Nishihara.
- No. 44 "A BILL FOR AN ACT RELATING TO TOURISM."
Introduced by: Senator Nishihara.
- No. 45 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."
Introduced by: Senator Nishihara.
- No. 46 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."
Introduced by: Senator Nishihara.
- No. 47 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."
Introduced by: Senator Nishihara.
- No. 48 "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS."
Introduced by: Senator Nishihara.
- No. 49 "A BILL FOR AN ACT RELATING TO NATUROPATHY."
Introduced by: Senators Ige, Fukunaga, Baker, Chun Oakland, Nishihara, Kim, Ihara, Tokuda, Hemmings, Kokubun, Bunda, Espero, Taniguchi, Inouye, English.
- No. 50 "A BILL FOR AN ACT RELATING TO AIDS RESEARCH."
Introduced by: Senators Ige, Baker, Chun Oakland, Tokuda, Fukunaga, Tsutsui, Espero, English, Sakamoto, Kim, Ihara, Taniguchi, Kokubun, Hee, Bunda, Slom, Inouye.
- No. 51 "A BILL FOR AN ACT RELATING TO HOME CARE."
Introduced by: Senators Ige, Baker, Ihara, Tokuda, Chun Oakland, Tsutsui, English, Sakamoto, Kim, Nishihara, Kokubun, Fukunaga, Bunda, Espero, Inouye.
- No. 52 "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST."
Introduced by: Senator Taniguchi.
- No. 53 "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS."
Introduced by: Senator Taniguchi.
- No. 54 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AT THE UNIVERSITY OF HAWAII."
Introduced by: Senator Taniguchi.
- No. 55 "A BILL FOR AN ACT RELATING TO DENTISTRY."
Introduced by: Senator Taniguchi.
- No. 56 "A BILL FOR AN ACT RELATING TO JURY SERVICE."
Introduced by: Senator Taniguchi.
- No. 57 "A BILL FOR AN ACT RELATING TO DENTISTS."
Introduced by: Senator Taniguchi.
- No. 58 "A BILL FOR AN ACT RELATING TO DENTISTS."
Introduced by: Senator Taniguchi.
- No. 59 "A BILL FOR AN ACT RELATING TO DENTISTS."
Introduced by: Senator Taniguchi.
- No. 60 "A BILL FOR AN ACT RELATING TO FOREIGN TIME SHARE PLANS."
Introduced by: Senator Taniguchi.
- No. 61 "A BILL FOR AN ACT RELATING TO COMMERCE."
Introduced by: Senator Taniguchi.
- No. 62 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
Introduced by: Senator Taniguchi.
- No. 63 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Senator Taniguchi.
- No. 64 "A BILL FOR AN ACT RELATING TO RESTAURANTS."
Introduced by: Senator Taniguchi, by request.

No. 65 "A BILL FOR AN ACT RELATING TO MARIJUANA."

Introduced by: Senator Taniguchi, by request.

No. 66 "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE TRADE PRACTICES."

Introduced by: Senator Taniguchi, by request.

No. 67 "A BILL FOR AN ACT RELATING TO BUILDING CODES."

Introduced by: Senator Taniguchi, by request.

No. 68 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Senators Baker, Ihara, Fukunaga, English, Tsutsui, Chun Oakland, Ige, Hanabusa, Menor, Kokubun.

No. 69 "A BILL FOR AN ACT RELATING TO HEALTH CARE."

Introduced by: Senators Baker, Tsutsui, Chun Oakland, Sakamoto, English, Ige, Hanabusa, Menor, Ihara, Kokubun, Fukunaga.

No. 70 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LIFEGUARD SERVICES AT MAKENA STATE PARK ON MAUI."

Introduced by: Senators Baker, English, Tsutsui, Chun Oakland, Ige, Menor, Ihara, Kokubun, Fukunaga.

No. 71 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."

Introduced by: Senators Baker, English, Tsutsui, Chun Oakland, Sakamoto, Ige, Menor, Ihara, Kokubun, Fukunaga.

No. 72 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES."

Introduced by: Senators Baker, English, Chun Oakland, Tsutsui, Ige, Hanabusa, Menor, Sakamoto, Ihara, Kokubun, Fukunaga.

No. 73 "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS."

Introduced by: Senators Baker, Tsutsui, Ihara, Tokuda, Ige, Menor, Fukunaga.

No. 74 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Senator Baker.

No. 75 "A BILL FOR AN ACT RELATING TO SEX OFFENDERS."

Introduced by: Senator Baker.

No. 76 "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL FACILITIES."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 77 "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 78 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 79 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 80 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 81 "A BILL FOR AN ACT RELATING TO SCHOOLS."

Introduced by: Senators Sakamoto, Tokuda, Hooser.

No. 82 "A BILL FOR AN ACT RELATING TO SCHOOL COMMUNITY COUNCILS."

Introduced by: Senator Sakamoto.

No. 83 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."

Introduced by: Senator Sakamoto.

No. 84 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Senator Sakamoto.

No. 85 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Senators Sakamoto, Tokuda, Chun Oakland, Hooser.

No. 86 "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS."

Introduced by: Senators Sakamoto, Tokuda, Hooser.

At this time, the following Senate leadership assignments were announced by Senate President Hanabusa:

Majority Leader:
Senator Gary L. Hooser

Majority Floor Leader:
Senator David Y. Ige

Majority Caucus Leader:
Senator Shan S. Tsutsui

Majority Policy Leader:
Senator Les Ihara, Jr.

Majority Whips:
 Senator Norman Sakamoto
 Senator Suzanne Chun Oakland

President Emeritus:
 Senator Robert Bunda

Minority Leader:
 Senator Fred Hemmings

Minority Floor Leader:
 Senator Paul Whalen

Minority Policy Leader
 Senator Mike Gabbard

The President also announced the following standing committees of the Senate, their respective chairs and members:

COMMERCE, CONSUMER PROTECTION AND AFFORDABLE HOUSING

Senator Brian T. Taniguchi, Chair
 Senator David Y. Ige, Vice Chair
 Senator Will Espero
 Senator Les Ihara, Jr.
 Senator Norman Sakamoto
 Senator Sam Slom

ECONOMIC DEVELOPMENT AND TAXATION

Senator Carol Fukunaga, Chair
 Senator Will Espero, Vice Chair
 Senator J. Kalani English
 Senator David Y. Ige
 Senator Sam Slom

EDUCATION

Senator Norman Sakamoto, Chair
 Senator Jill N. Tokuda, Vice Chair
 Senator Suzanne Chun Oakland
 Senator Clayton Hee
 Senator Clarence K. Nishihara
 Brian T. Taniguchi
 Senator Mike Gabbard

ENERGY AND ENVIRONMENT

Senator Ron Menor, Chair
 Senator Gary L. Hooser, Vice Chair
 Senator Les Ihara, Jr.
 Senator Russell S. Kokubun
 Senator Gordon Trimble

HEALTH

Senator David Y. Ige, Chair
 Senator Carol Fukunaga, Vice Chair
 Senator Rosalyn H. Baker
 Senator Ron Menor
 Senator Paul Whalen

HUMAN SERVICES AND PUBLIC HOUSING

Senator Suzanne Chun Oakland, Chair
 Senator Les Ihara, Jr., Vice Chair
 Senator Norman Sakamoto
 Senator Fred Hemmings

INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Lorraine R. Inouye, Chair
 Senator Shan S. Tsutsui, Vice Chair
 Senator Fred Hemmings

JUDICIARY AND LABOR

Senator Clayton Hee, Chair
 Senator Russell S. Kokubun, Vice Chair
 Senator Lorraine R. Inouye
 Senator Clarence K. Nishihara
 Senator Mike Gabbard

PUBLIC SAFETY

Senator Will Espero, Chair
 Senator Clarence K. Nishihara, Vice Chair
 Senator Norman Sakamoto
 Senator Paul Whalen

TOURISM AND GOVERNMENT OPERATIONS

Senator Clarence K. Nishihara, Chair
 Senator Donna Mercado Kim, Vice Chair
 Senator Shan S. Tsutsui
 Senator Gordon Trimble

TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair
 Senator Lorraine R. Inouye, Vice Chair
 Senator Will Espero
 Senator Gary L. Hooser
 Senator Brian T. Taniguchi
 Senator Shan S. Tsutsui
 Senator Mike Gabbard

WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Senator Russell S. Kokubun, Chair
 Senator Jill N. Tokuda, Vice Chair
 Senator Carol Fukunaga
 Senator Clayton Hee
 Senator Sam Slom

WAYS AND MEANS

Senator Rosalyn H. Baker, Chair
 Senator Shan S. Tsutsui, Vice Chair
 Senator Suzanne Chun Oakland
 Senator J. Kalani English
 Senator Carol Fukunaga
 Senator Gary L. Hooser
 Senator Donna Mercado Kim
 Senator Ron Menor
 Senator Jill N. Tokuda
 Senator Fred Hemmings
 Senator Paul Whalen

ADJOURNMENT

At 12:12 o'clock p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, January 18, 2007.