

THIRTY-NINTH DAY

Thursday, March 27, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:59 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend William H. Allport, II, St. Peter's Episcopal Church, after which the Roll was called showing all Senators present with the exception of Senators English and Hee who was excused.

The President announced that she had read and approved the Journal of the Thirty-Eighth Day.

At this time, the following introductions were made to the members of the Senate:

Senators Ige and Nishihara congratulated the Pearl City Little League Baseball Team upon winning the 2007 Junior League World Series and introduced the following representatives of the team: Team Manager Mitch Yamato, Kahana Neal, Chace Numata and Isaac Shim.

Senators Sakamoto, Slom and Taniguchi; Senator Inouye on behalf of Senators Whalen and Kokubun and herself; Senator Tokuda; Senator Menor on behalf of Senator Bunda and himself; and Senator Espero, recognized the outstanding achievements by the following principals in honor of Education Week: Principal Susan Okano of Aina Haina Elementary, Blue Ribbon School for 2007-2008; Principal Charlotte Unni of Ala Wai Elementary, Blue Ribbon School for 2007-2008; Principal Lauren O'Leary of Holualoa Elementary, 2008 NCLB Blue Ribbon Award Nominee; Mitchell Otani, Kaneohe Elementary School Principal and 2007 National Distinguished Principal for the State of Hawaii; Dr. John Brummel, Mililani High School Principal and MetLife/National Association of Secondary School Principals 2007 National Principal of the Year for Hawai'i; and Norman Pang, Holomua Elementary Principal and winner of the Masayuki Tokioka Excellence in School Leadership Award; and.

At 12:22 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:29 p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 554 and 555) were read by the Clerk and were placed on file:

Gov. Msg. No. 554, informing the Senate that on March 25, 2008, she signed into law House Bill No. 3037 as Act 2, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY, SEWER, REFUSE, AND INSURANCE PREMIUM PAYMENTS."

Gov. Msg. No. 555, informing the Senate that on March 25, 2008, she signed into law House Bill No. 3038 as Act 3, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE."

HOUSE COMMUNICATION

Hse. Com. No. 392, transmitting H.C.R. No. 160, which was adopted by the House of Representatives on March 25, 2008, was read by the Clerk and was placed on file.

By unanimous consent, action on H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE FOURTH TUESDAY IN APRIL AS EQUAL PAY DAY IN HAWAII, AND URGING CONGRESS TO SUPPORT LEGISLATION TO PROVIDE MORE EFFECTIVE

REMEDIES FOR VICTIMS OF WAGE DISCRIMINATION BASED ON GENDER," was deferred.

STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3185) recommending that the Senate advise and consent to the nomination of ARMAND K. CHONG DDS to the Board of Dental Examiners, in accordance with Gov. Msg. No. 304.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3185 and Gov. Msg. No. 304 was deferred until Friday, March 28, 2008.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 3186) recommending that the Senate advise and consent to the nomination of RICHARD R. HOUCK to the Commission on Transportation, in accordance with Gov. Msg. No. 542.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3186 and Gov. Msg. No. 542 was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3187) recommending that S.C.R. No. 111 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3187 and S.C.R. No. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE CURRICULAR MATERIALS THAT REFLECT THE HAWAII STANDARDS TO ASSIST A TEACHER WHO HAS TO TEMPORARILY TEACH IN AN AREA WHERE THE TEACHER IS NOT HIGHLY QUALIFIED," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3188) recommending that S.C.R. No. 120 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3188 and S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO DEVELOP, OFFER, AND EXPAND PHILIPPINE LANGUAGE COURSES," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3189) recommending that S.C.R. No. 180 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3189 and S.C.R. No. 180, entitled: "SENATE CONCURRENT RESOLUTION OFFERING SUPPORT TO THE UNIVERSITY OF HAWAII IN ITS EFFORTS TO ENHANCE AND DIVERSIFY ITS SOURCES OF REVENUE AND MAXIMIZE USE OF ITS FACILITIES," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3190) recommending that S.C.R. No. 184 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3190 and S.C.R. No. 184, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON HIGHER EDUCATION STUDENT FINANCIAL ASSISTANCE COMMISSIONS," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3191) recommending that S.C.R. No. 220 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3191 and S.C.R. No. 220, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONSIDER CONTINUING PROJECT GRADUATION TRAINING THROUGH DRIVER EDUCATION UNDERWRITERS' FEES AS PART OF TRAFFIC SAFETY EDUCATION," was deferred until Friday, March 28, 2008.

Senators Sakamoto and Ige, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3192) recommending that S.C.R. No. 94 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3192 and S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO BEGIN REBUILDING THE SCHOOL OF PUBLIC HEALTH BY 2012," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3193) recommending that S.C.R. No. 83, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3193 and S.C.R. No. 83, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE APPROPRIATE ACCOUNTABILITY STRUCTURE FOR THE HAWAII TEACHER STANDARDS BOARD," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3194) recommending that S.C.R. No. 110, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3194 and S.C.R. No. 110, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO JOINTLY STUDY THE FEASIBILITY OF INTEGRATING REHABILITATION PROGRAMS FOR STUDENTS WITH ANGER PROBLEMS," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 3195) recommending that S.C.R. No. 121, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3195 and S.C.R. No. 121, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING TEACHING STRATEGIES FOR SPEAKERS OF HAWAII PIGDIN IN HAWAII PUBLIC SCHOOLS," was deferred until Friday, March 28, 2008.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3196) recommending that S.C.R. No. 158, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3196 and S.C.R. No. 158, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PURSUE A FINANCING AGREEMENT FOR THE CONSTRUCTION OF THE NEW KIHEI HIGH SCHOOL ON MAUI AND TO CONSIDER A DESIGN-BUILD APPROACH FOR THE SCHOOL," was deferred until Friday, March 28, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3197) recommending that S.C.R. No. 5, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3197 and S.C.R. No. 5, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE ALL BELIEVERS NETWORK TO ESTABLISH THE STATEWIDE INTERFAITH STEERING COMMITTEE TO EXPLORE THE POSSIBILITY OF ORGANIZING A MAJOR INTERNATIONAL INTERFAITH CONFERENCE IN HAWAII TO TAKE PLACE BY 2011," was deferred until Friday, March 28, 2008.

Senators Chun Oakland and Ige, for the Committee on Human Services and Public Housing and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3198) recommending that S.C.R. No. 33, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3198 and S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, AND THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO CONTINUE THEIR WORK ON THE LONG TERM LIVING INITIATIVE," was deferred until Friday, March 28, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3199) recommending that S.C.R. No. 106, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3199 and S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE OFFICE OF YOUTH SERVICES AND THE DEPARTMENT OF HUMAN SERVICES CONVENE A WORKING STUDY GROUP TO CONDUCT A STUDY INTO SAFE SHELTER OPTIONS FOR YOUTH," was deferred until Friday, March 28, 2008.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 3200) recommending that S.C.R. No. 51, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3200 and S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE KOREA-UNITED STATES FREE TRADE AGREEMENT," was deferred until Friday, March 28, 2008.

Senator English, for the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 3201) recommending that S.R. No. 25, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3201 and S.R. No. 25, S.D. 1, entitled: "SENATE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE KOREA-UNITED STATES FREE TRADE AGREEMENT," was deferred until Friday, March 28, 2008.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3202) recommending that S.C.R. No. 108 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3202 and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION AND COUNTY TRANSPORTATION AGENCIES TO ACTIVELY SEEK OPPORTUNITIES TO CONSTRUCT MORE ROUNDABOUTS INSTEAD OF SIGNALIZED, RIGHT-ANGLE INTERSECTIONS IN THE STATE," was deferred until Friday, March 28, 2008.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3203) recommending that S.R. No. 60 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3203 and S.R. No. 60, entitled: "SENATE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION AND COUNTY TRANSPORTATION AGENCIES TO ACTIVELY SEEK OPPORTUNITIES TO CONSTRUCT MORE ROUNDABOUTS INSTEAD OF SIGNALIZED, RIGHT-ANGLE INTERSECTIONS IN THE STATE," was deferred until Friday, March 28, 2008.

Senator Inouye, for the Committee on Intergovernmental and Military Affairs, presented a report (Stand. Com. Rep. No. 3204) recommending that S.C.R. No. 109 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3204 and S.C.R. No. 109, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE PASSAGE AND ENACTMENT INTO LAW OF S.1315, THE VETERANS BENEFITS ENHANCEMENT ACT OF 2007, IN SUPPORT OF FILIPINO VETERANS," was deferred until Friday, March 28, 2008.

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3205), recommending that S.C.R. No. 89 be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 89, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO EXAMINE THE ISSUE OF UPCOMING CONDOMINIUM AND CO-OPERATIVE HOUSING PROJECT LEASE EXPIRATIONS AND ITS POTENTIAL IMPACT ON THE AVAILABILITY OF REPLACEMENT AND AFFORDABLE HOUSING," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3206), recommending that S.C.R. No. 139, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 139, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO CHANGE THE HAWAII ADMINISTRATIVE RULES TO ALLOW CHILDREN WHO ARE HOME SCHOOLED TO PARTICIPATE IN PUBLIC SCHOOL CO-CURRICULAR OR EXTRACURRICULAR ACTIVITIES," was referred to the Committee on Ways and Means.

Senators Sakamoto and Ige, for the Committee on Education and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 3207), recommending that S.C.R. No. 134, as amended in S.D. 1, be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 134, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO 'BUY LOCAL' TO ENCOURAGE SUSTAINABILITY," was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3208), recommending that S.C.R. No. 124, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 124, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MEDICAID-SPONSORED PROGRAMS," was referred to the Committee on Ways and Means.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3209) recommending that H.B. No. 2428 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 2428, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 28, 2008.

Senator English, for the majority of the Committee on Transportation and International Affairs, presented a report (Stand. Com. Rep. No. 3210) recommending that H.B. No. 2847, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL LICENSE PERMITS," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 2008.

Senators English and Inouye, for the Committee on Transportation and International Affairs and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 3211) recommending that H.B. No. 2524, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 2524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 2008.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, MARCH 25, 2008

S.B. No. 2748, S.D. 1 (H.D. 1):

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

the House to S.B. No. 2748, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 2827, S.D. 1 (H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2827, S.D. 1, and requested a conference on the subject matter thereof.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 25, 2008

Stand. Com. Rep. No. 3177 (S.C.R. No. 78):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.C.R. No. 78, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING FEDERAL FINANCIAL ASSISTANCE FOR PERSONS PRESENT IN THE UNITED STATES UNDER THE COMPACTS OF FREE ASSOCIATION," was adopted.

Stand. Com. Rep. No. 3178 (S.R. No. 43):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and S.R. No. 43, entitled: "SENATE RESOLUTION SUPPORTING FEDERAL FINANCIAL ASSISTANCE FOR PERSONS PRESENT IN THE UNITED STATES UNDER THE COMPACTS OF FREE ASSOCIATION," was adopted.

Stand. Com. Rep. No. 3179 (S.C.R. No. 61):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.C.R. No. 61, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII PUBLIC HOUSING AUTHORITY TO ISSUE A REQUEST FOR PROPOSALS TO FORM A PUBLIC/PRIVATE PARTNERSHIP TO RENOVATE THE STATE'S PUBLIC HOUSING INVENTORY," was adopted.

Stand. Com. Rep. No. 3180 (S.C.R. No. 63, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 3180 and S.C.R. No. 63, S.D. 1, be adopted, seconded by Senator Whalen.

Senator Slom rose in opposition and stated:

"Madam President, reluctantly I rise to speak against S.C.R. No. 63 and S.R. No. 36, which is the armband campaign against domestic violence.

"I say regrettably because of course I'm opposed to domestic violence and want to support changes to domestic violence. But I told this Body a month-and-a-half ago, I'm no longer going to go on midnight vigils or wear armbands or anything else for women and others who have been killed because of domestic violence. I'm really tired that the Legislature and the government, which has a primary responsibility of protecting its citizens, has done nothing to slow down, stop, or mitigate domestic violence. All we do is have ceremonies.

"And in this resolution I notice, by the way, it only applies to men committing domestic violence on women. And I think there are enough documented cases of women committing domestic violence on men that, at the very least, this resolution should reflect that, that we're against domestic violence.

"Secondly, however, I notice that we have done nothing to prevent or to allow people to have choices—and particularly women—in defending themselves. We've done nothing to allow third party citizens who are good Samaritans to try come

to the aid of victims. All we do is celebrate the harm or the death of victims.

"Finally, we had a bill that was introduced earlier in this Session. It was referred to as Karen's Law. It went over to the House, and the House refused to even have a hearing on this bill. So how can we in good conscience say that we're against domestic violence, that we want to do something, when all we want to do is put on an armband. And even this resolution that started out as a black armband, now we're worrying about colors and we want to change it to a purple armband.

"I want us to really attack the problem of domestic violence and end it. Resolutions like this and midnight vigils don't do that. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.C.R. No. 63, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was adopted.

Stand. Com. Rep. No. 3181 (S.R. No. 36, S.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.R. No. 36, S.D. 1, entitled: "SENATE RESOLUTION ENCOURAGING PARTICIPATION IN THE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was adopted.

THIRD READING

H.B. No. 1832, H.D. 1, S.D. 1:

Senator Taniguchi moved that H.B. No. 1832, H.D. 1, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Gabbard.

Senators Kim and Gabbard requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1832, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 2 (Gabbard, Kim). Noes, 1 (Whalen). Excused, 3 (English, Hee, Hemmings).

H.B. No. 2492, H.D. 1, S.D. 1:

On motion by Senator Kokubun, seconded by Senator Ige and carried, H.B. No. 2492, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (English, Hee, Hemmings).

H.B. No. 2662, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 2662, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," was deferred until Friday, March 28, 2008

H.B. No. 2954, S.D. 1:

Senator Gabbard moved that H.B. No. 2954, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Inouye.

Senator Trimble rose to speak in opposition as follows:

“Madam President, I stand in opposition to H.B. No. 2954.

“Colleagues—at the very least—at least somebody should stand up and say why a bill deserves to be passed. We had three others before this with no discussion.

“But beyond that, this bill would allow an extra \$15 charge to be applied to tow truck charges but only on Oahu, and only for companies that operate continuously. What it really doesn’t talk about is that right now the law provides that the towing charge can be \$65—or \$75 if a dolly is used—plus \$7.50 a mile. So let’s assume it’s a 10-mile drive, plus, at the very least, \$25 for the first day. And so that comes, my friends, to a total of \$175 for a single charge. That seems like quite a bit of money on the surface.

“And if we look around town to see how old and dilapidated the tow trucks are, we find that they’re not old, they’re not dilapidated, but that they are probably the newest and best that money can buy. There was no testimony presented that these tow truck companies will leave town if this \$15 charge was not applied. And if you figure out what it would cost if a vehicle was towed ten miles and stored a month, it’s \$830.

“Finally, the term that is used is ‘overtime,’ as if the driver—the operator of the vehicle—is actually going to receive an additional compensation. There was nothing in the testimony that provided for that. So, because no justification was made that it was needed, because no justification was made that the drivers would actually receive it, I urge you to oppose this law. Thank you.”

The motion was put by the Chair and carried, H.B. No. 2954, S.D. 1, entitled: “A BILL FOR AN ACT RELATED TO TOWING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (English, Hee, Hemmings).

ADJOURNMENT

At 12:40 p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 a.m., Friday, March 28, 2008.