

FIFTY-NINTH DAY

Tuesday, April 29, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 10:12 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Daiya Amano, Izumo Taisha Mission in Hawai'i, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 674 to 676) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 674, advising the Senate of the withdrawal of the nomination of CORRINE H. AKAU to the Hawai'i Commission for National and Community Service, under Gov. Msg. No. 572, dated March 28, 2008, was placed on file.

In compliance with Gov. Msg. No. 674, the nomination listed under Gov. Msg. No. 572 was returned.

Gov. Msg. No. 675, informing the Senate that on April 28, 2008, she signed into law House Bill No. 2517 as Act 40, entitled: "RELATING TO INVASIVE SPECIES," was placed on file.

Gov. Msg. No. 676, advising the Senate of the withdrawal of the nomination of HANS H. RIECKE to the State Foundation on Culture and the Arts Commission, under Gov. Msg. Nos. 459 and 460, dated March 3, 2008, was placed on file.

In compliance with Gov. Msg. No. 676, the nomination listed under Gov. Msg. Nos. 459 and 460 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 811 to 818) were read by the Clerk and were placed on file:

Hse. Com. No. 811, informing the Senate that the House reconsidered its actions taken on April 25, 2008, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 2164, H.D. 1 (S.D. 1);
H.B. No. 2224, H.D. 1 (S.D. 2);
H.B. No. 2271, H.D. 1 (S.D. 2);
H.B. No. 2547 (S.D. 1);
H.B. No. 2614 (S.D. 1);
H.B. No. 2929, H.D. 1 (S.D. 1);
H.B. No. 2955, H.D. 1 (S.D. 1);
H.B. No. 2971, H.D. 1 (S.D. 2); and
H.B. No. 3191, H.D. 1 (S.D. 2).

Hse. Com. No. 812, informing the Senate that the House reconsidered its action taken on April 25, 2008, in disagreeing to the amendments proposed by the Senate to H.B. No. 2954 (S.D. 1).

Hse. Com. No. 813, informing the Senate that the House reconsidered its action taken on April 25, 2008, in disagreeing to the amendments proposed by the Senate to H.B. No. 3085, H.D. 2 (S.D. 1).

Hse. Com. No. 814, informing the Senate that the House has agreed to the amendments proposed by the Senate to the

following House bills and said bills passed Final Reading in the House on April 25, 2008:

H.B. No. 2261, H.D. 2, S.D. 1;
H.B. No. 2770, H.D. 1, S.D. 2;
H.B. No. 2917, H.D. 2, S.D. 1;
H.B. No. 2965, H.D. 2, S.D. 2; and
H.B. No. 3151, H.D. 2, S.D. 1.

Hse. Com. No. 815, informing the Senate that the following bills passed Final Reading in the House of Representatives on April 25, 2008:

H.B. No. 2511, H.D. 1, S.D. 2, C.D. 1;
H.B. No. 2810, H.D. 1, S.D. 1, C.D. 1;
S.B. No. 2146, S.D. 2, H.D. 1, C.D. 1;
S.B. No. 2170, S.D. 1, H.D. 1, C.D. 1;
S.B. No. 2245, S.D. 1, H.D. 2, C.D. 1;
S.B. No. 3008, S.D. 2, H.D. 1, C.D. 1; and
S.B. No. 3023, S.D. 2, H.D. 2, C.D. 1.

Hse. Com. No. 816, returning S.C.R. No. 208, S.D. 1, which was adopted by the House of Representatives on April 25, 2008.

Hse. Com. No. 817, returning S.C.R. No. 225, S.D. 1, which was adopted by the House of Representatives on April 25, 2008.

Hse. Com. No. 818, returning S.C.R. No. 234, which was adopted by the House of Representatives on April 25, 2008.

CONFERENCE COMMITTEE REPORTS

Conf. Com. Rep. No. 144-08 (H.B. No. 2293, H.D. 1, S.D. 2, C.D. 1):

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2293, H.D. 1, S.D. 2, presented a report (Conf. Com. Rep. No. 144-08) recommending that H.B. No. 2293, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

Senator Tokuda then offered the following amendment (Floor Amendment No. 13) to H.B. No. 2293, H.D. 1, S.D. 2, C.D. 1:

SECTION 1. House Bill No. 2293, H.D. 1, S. D. 2, C. D. 1, is amended by amending Section 9 to read as follows:

"SECTION 9. If an agreement to acquire the property identified in section 8 of this Act is not reached within a reasonable time as determined by the department of land and natural resources, the department of land and natural resources shall exercise its power of eminent domain to acquire the property. For purposes of this Act, condemnation of the property shall not be subject to legislative disapproval; provided that the cost of acquiring the lands described in this Act does not exceed the amount of funds appropriated or authorized pursuant to section 10 of this Act and the Supplemental Appropriations Act of 2008."

Senator Tokuda moved that Floor Amendment No. 13 be adopted, seconded by Senator English.

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

"This is a floor amendment just to clarify the Legislature's intent regarding the eminent domain language in this bill."

The motion to adopt Floor Amendment No. 13 was put by the Chair and carried.

Senator Tokuda moved that Conf. Com. Rep. No. 144-08 be received and placed on file, seconded by Senator English and carried.

By unanimous consent, H.B. No. 2293, H.D. 1, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

Conf. Com. Rep. No. 149-08 (H.B. No. 2872, S.D. 2, C.D. 1):

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2872, S.D. 2, presented a report (Conf. Com. Rep. No. 149-08) recommending that H.B. No. 2872, S.D. 2, as amended in C.D. 1, pass Final Reading.

Senator Hooser then offered the following amendment (Floor Amendment No. 11) to H.B. No. 2872, S.D. 2, C.D. 1:

SECTION 1. House Bill No. 2872, S.D. 2, C.D. 1, is amended by amending Section 2 to add "or permittees" and "or permittee" as follows:

- (1) Page 1, line 12, "existing lessees or permittees";
- (2) Page 2, line 9, "Existing lessees or permittees";
- (3) Page 2, line 14, "each lessee or permittee";
- (4) Page 2, line 17, "The lessee or permittee";
- (5) Page 2, line 18, "the lessee or permittee"; and
- (6) Page 2, line 20, "the lease or permit".

Senator Hooser moved that Floor Amendment No. 11 be adopted, seconded by Senator Hee.

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

"Madam President, this is a really rather just a technical amendment. It concerns the words permittee and lessee. And so it's just a technical amendment."

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

Senator Hooser moved that Conf. Com. Rep. No. 149-08 be received and placed on file, seconded by Senator Hee and carried.

By unanimous consent, H.B. No. 2872, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

Conf. Com. Rep. No. 176-08 (S.B. No. 2198, S.D. 2, H.D. 2, C.D. 1):

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2198, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 176-08) recommending that S.B. No. 2198, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

Senator Hee then offered the following amendment (Floor Amendment No. 15) to S.B. No. 2198, S.D. 2, H.D. 2, C.D. 1:

SECTION 1. Senate Bill No. 2198, S.D. 2, H.D. 2, C.D. 1, is amended by amending subsection (d) from page 2, line 19 through page 3, line 11, by changing the formatting on page 3, lines 10-11 to read as follows:

"(d) The amount of the tax credit shall be:

- (1) Fifty per cent of the fair market value of the land or interest in land that an eligible taxpayer donates in perpetuity after December 31, 2007, for a conservation

or preservation purpose to the State, or public or private conservation agency. The fair market value of donations made under this section shall be substantiated by a qualified appraisal prepared by a qualified appraiser, as those terms are defined under applicable federal law and regulations governing charitable contributions; or

- (2) Fifty per cent of the amount invested in the management of land pursuant to subsection (b)(2), up to a maximum of \$1,000,000 in the aggregate for all qualified taxpayers for all years."

Senator Hee moved that Floor Amendment No. 15 be adopted, seconded by Senator Gabbard.

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

"Madam President, this amendment clarifies the amount of the tax credit involved in this bill. It clarifies that fifty per cent of the amount invested in the management of land pursuant to subsection (b)(2) up to a maximum of \$1 million in aggregate for all qualified taxpayers for all years."

The motion to adopt Floor Amendment No. 15 was put by the Chair and carried.

Senator Hee moved that Conf. Com. Rep. No. 176-08 be received and placed on file, seconded by Senator Gabbard and carried.

By unanimous consent, S.B. No. 2198, S.D. 2, H.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

CONFERENCE COMMITTEE REPORTS

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3377, S.D. 2, presented a report (Conf. Com. Rep. No. 139-08) recommending that H.B. No. 3377, 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 Hawaii, action on Conf. Com. Rep. No. 139-08 and H.B. No. 3377, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2531, H.D. 1, S.D. 2, presented a report (Conf. Com. Rep. No. 140-08) recommending that H.B. No. 2531, 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 Hawaii, action on Conf. Com. Rep. No. 140-08 and H.B. No. 2531, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 357, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 141-08) recommending that H.B. No. 357, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141-08 and H.B. No. 357, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," was deferred for a period of 48 hours.

Senator Tokuda, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2843, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 142-08) recommending that H.B. No. 2843, H.D. 2, 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 Hawaii, action on Conf. Com. Rep. No. 142-08 and H.B. No. 2843, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3120, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 143-08) recommending that H.B. No. 3120, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143-08 and H.B. No. 3120, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE FACILITIES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3352, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 145-08) recommending that H.B. No. 3352, H.D. 2, 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 Hawaii, action on Conf. Com. Rep. No. 145-08 and H.B. No. 3352, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF THE HAWAII DISABILITY RIGHTS CENTER," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2863, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 146-08) recommending that H.B. No. 2863, H.D. 2, 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 Hawaii, action on Conf. Com. Rep. No. 146-08 and H.B. No. 2863, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2505, H.D. 2, S.D. 2, presented a report (Conf. Com. Rep. No. 147-08) recommending that H.B. No. 2505, H.D. 2, 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 Hawaii, action on Conf. Com. Rep. No. 147-08 and H.B. No. 2505, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2507, H.D. 1, S.D. 2, presented a report (Conf. Com. Rep. No. 148-08) recommending that H.B. No. 2507, 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 Hawaii, action on Conf. Com. Rep. No. 148-08 and H.B. No. 2507, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS REDUCTION," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2704, H.D. 2, S.D. 1, presented a report (Conf. Com. Rep. No. 150-08) recommending that H.B. No. 2704, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 150-08 and H.B. No. 2704, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HA'IKU VALLEY," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2850, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 165-08) recommending that S.B. No. 2850, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 165-08 and S.B. No. 2850, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOSECURITY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 156, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 166-08) recommending that S.B. No. 156, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 166-08 and S.B. No. 156, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOTING," was deferred for a period of 48 hours.

Senator Kokubun, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3174, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 167-08) recommending that S.B. No. 3174, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 167-08 and S.B. No. 3174, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3252, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 168-08) recommending that S.B. No. 3252, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 168-08 and S.B. No. 3252, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 644, S.D. 3, H.D. 3, presented a report (Conf. Com. Rep. No. 169-08) recommending that S.B. No. 644, S.D. 3, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 169-08 and S.B. No. 644, S.D. 3, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 871, S.D. 2, H.D. 2, presented a report

(Conf. Com. Rep. No. 170-08) recommending that S.B. No. 871, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 170-08 and S.B. No. 871, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD WASTE RECYCLING," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2082, S.D. 2, H.D. 1, presented a report (Conf. Com. Rep. No. 171-08) recommending that S.B. No. 2082, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 171-08 and S.B. No. 2082, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1804, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 172-08) recommending that S.B. No. 1804, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 172-08 and S.B. No. 1804, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRAUMA SYSTEM SPECIAL FUND," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2083, S.D. 2, H.D. 1, presented a report (Conf. Com. Rep. No. 173-08) recommending that S.B. No. 2083, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 173-08 and S.B. No. 2083, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPERVISION OF ADULT OFFENDERS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2423, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 174-08) recommending that S.B. No. 2423, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 174-08 and S.B. No. 2423, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2915, S.D. 2, H.D. 1, presented a report (Conf. Com. Rep. No. 175-08) recommending that S.B. No. 2915, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 175-08 and S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," was deferred for a period of 48 hours.

Senator Tokuda, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2646, S.D. 2, H.D. 2, presented a report (Conf. Com. Rep. No. 177-08) recommending that S.B. No. 2646, S.D. 2, H.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 Hawaii, action on Conf. Com. Rep. No. 177-08 and S.B. No. 2646, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1412, H.D. 1, S.D. 1, presented a report (Conf. Com. Rep. No. 178-08) recommending that H.B. No. 1412, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 178-08 and H.B. No. 1412, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TAXATION'S BENEFITS-FUNDED REVENUE-GENERATING COMPUTER INITIATIVES," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senators Menor and Fukunaga, for the Committee on Energy and Environment and the Committee on Economic Development and Taxation, presented a joint report (Stand. Com. Rep. No. 3683) recommending that S.R. No. 78, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3683 and S.R. No. 78, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE ESTABLISHMENT OF A VOLUNTARY COMPLIANCE PROGRAM TO ENCOURAGE COMMUNITIES AND BUSINESSES TO CONVERT TO EXPANDED POLYSTYRENE FOAM ALTERNATIVE PRODUCTS," was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3684) recommending that H.C.R. No. 33, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3684 and H.C.R. No. 33, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ACKNOWLEDGING THE MONTH OF SEPTEMBER AS NATIONAL OVARIAN CANCER MONTH AND GYNECOLOGICAL CANCER AWARENESS MONTH," was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3685) recommending that H.C.R. No. 230, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3685 and H.C.R. No. 230, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE WEEK OF SEPTEMBER 1 – SEPTEMBER 7 AS HAWAII LABOR HISTORY WEEK," was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3686) recommending that H.C.R. No. 231, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3686 and H.C.R. No. 231, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE COST OF CONVENING A CONSTITUTIONAL CONVENTION," was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3687) recommending that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

TERRI FUJII, in accordance with Gov. Msg. No. 371;

KEITH ALAN LEE, in accordance with Gov. Msg. No. 372;
S. PETER KIM MD, PHD, MBA, in accordance with Gov. Msg. No. 522; and

KEN M. SHIMONISHI, in accordance with Gov. Msg. No. 523.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3687 and Gov. Msg. Nos. 371, 372, 522 and 523 was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3688) recommending that the Senate advise and consent to the nomination of DAVID J.W. CHANG to the Health Planning Council, West Oahu Subarea, in accordance with Gov. Msg. No. 379.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3688 and Gov. Msg. No. 379 was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3689) recommending that the Senate advise and consent to the nomination of DANIEL E. RICK RPT to the Hawai'i Health Systems Corporation West Hawai'i Regional Board, in accordance with Gov. Msg. No. 451.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3689 and Gov. Msg. No. 451 was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3690) recommending that the Senate advise and consent to the nomination of CHRISTOPHER P. SIBLEY to the Health Planning Council, Windward Oahu Subarea, in accordance with Gov. Msg. No. 380.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3690 and Gov. Msg. No. 380 was deferred until Thursday, May 1, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3691) recommending that the Senate advise and consent to the nominations to the Hawai'i Health Systems Corporation East Hawai'i Regional Board of the following:

SUSAN B. HUNT, in accordance with Gov. Msg. No. 396;

CAROL ANN VANCAMP, in accordance with Gov. Msg. No. 397; and

GENEVIEVE A. KINNEY PHD, in accordance with Gov. Msg. No. 450.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3691 and Gov. Msg. Nos. 396, 397 and 450 was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3692) recommending that the Senate advise and consent to the nomination of LESLIE ALAN UEOKA to the Civil Rights Commission, in accordance with Gov. Msg. No. 402.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3692 and Gov. Msg. No. 402 was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the majority of the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3693) recommending that the Senate advise and consent to the nomination of FRANK ALBERT LAVOIE to the Civil Rights Commission, in accordance with Gov. Msg. No. 614.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3693 and Gov. Msg. No. 614 was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3694) recommending that the Senate advise and consent to the nomination of JONATHAN LUIS ORTIZ to the Civil Rights Commission, in accordance with Gov. Msg. No. 615.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3694 and Gov. Msg. No. 615 was deferred until Thursday, May 1, 2008.

Senator Taniguchi, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 3695) recommending that the Senate consent to the nomination of ANTHONY K. BARTHOLOMEW to the office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Jud. Com. No. 1.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3695 and Jud. Com. No. 1 was deferred until Thursday, May 1, 2008.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3664 (Gov. Msg. Nos. 508 and 509):

Senator Kokubun moved that Stand. Com. Rep. No. 3664 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Cable Advisory Committee of the following:

JENNY J. FUJITA, term to expire June 30, 2012 (Gov. Msg. No. 508); and

KEITH R. ROLLMAN, term to expire June 30, 2012 (Gov. Msg. No. 509),

seconded by Senator Ige.

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. 3665 (Gov. Msg. No. 603):

Senator Kokubun moved that Stand. Com. Rep. No. 3665 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of LANCE M. MARUGAME to the State Board of Barbering and Cosmetology, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 3666 (Gov. Msg. Nos. 369, 370, 479, 519, 520 and 521):

Senator Ige moved that Stand. Com. Rep. No. 3666 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Board of Health of the following:

JASON E. MADDOCK PHD, term to expire June 30, 2012 (Gov. Msg. No. 369);

JEFFREY J. SOL MD, term to expire June 30, 2012 (Gov. Msg. No. 370);

ANN M. KWOCK, term to expire June 30, 2012 (Gov. Msg. No. 479);

KEVIN D. CASSEL, term to expire June 30, 2010 (Gov. Msg. No. 519);

CLARYSSE KAMI NUNOKAWA, term to expire June 30, 2012 (Gov. Msg. No. 520); and

DRAKE W. WILL MD, term to expire June 30, 2012 (Gov. Msg. No. 521),

seconded by Senator Fukunaga.

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. 3667 (Gov. Msg. Nos. 375, 480 and 524):

Senator Ige moved that Stand. Com. Rep. No. 3667 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea of the following:

JOAN C. DOBBS PHD, CNS, term to expire June 30, 2012 (Gov. Msg. No. 375);

LLOYD LIM, term to expire June 30, 2012 (Gov. Msg. No. 480); and

JONAGUSTINE LIM, term to expire June 30, 2012 (Gov. Msg. No. 524),

seconded by Senator Fukunaga.

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. 3668 (Gov. Msg. Nos. 376, 377, 525 and 526):

Senator Ige moved that Stand. Com. Rep. No. 3668 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Health Planning Council, Kaua'i Subarea of the following:

ALAN R. KIMURA, term to expire June 30, 2012 (Gov. Msg. No. 376);

ZACHARY J. OCTAVIO, term to expire June 30, 2012 (Gov. Msg. No. 377);

BETTY J. MOORE, term to expire June 30, 2012 (Gov. Msg. No. 525); and

KEN M. SHIMONISHI, term to expire June 30, 2012 (Gov. Msg. No. 526),

seconded by Senator Fukunaga.

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. 3669 (Gov. Msg. Nos. 481 and 482):

Senator Ige moved that Stand. Com. Rep. No. 3669 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Health Planning Council, Tri-Isle Subarea of the following:

KATHLEEN K. SUZUKI, term to expire June 30, 2012 (Gov. Msg. No. 481); and

WILLIAM L. THOMAS JR. MD, term to expire June 30, 2012 (Gov. Msg. No. 482),

seconded by Senator Fukunaga.

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. 3670 (Gov. Msg. No. 593):

Senator Ige moved that Stand. Com. Rep. No. 3670 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of LESLIE K. TANOUE to the Health Planning Council, West Oahu Subarea, term to expire June 30, 2012, seconded by Senator Fukunaga.

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. 3671 (Gov. Msg. No. 594):

Senator Ige moved that Stand. Com. Rep. No. 3671 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of INEZ SCHULTZ to the Mental Health and Substance Abuse, Hawai'i Service Area Board, term to expire June 30, 2012, seconded by Senator Fukunaga.

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. 3672 (Gov. Msg. No. 595):

Senator Ige moved that Stand. Com. Rep. No. 3672 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of CHARLES E. DIONNE III to the Mental Health and Substance Abuse, Oahu Service Area Board, term to expire June 30, 2012, seconded by Senator Fukunaga.

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. 3673 (Gov. Msg. No. 613):

Senator Ige moved that Stand. Com. Rep. No. 3673 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of CHRISTOPHER P. SCHLUETER to the Health Planning Council, Hawai'i County Subarea, term to expire June 30, 2012, seconded by Senator Fukunaga.

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. 3674 (Gov. Msg. Nos. 373 and 374):

Senator Ige moved that Stand. Com. Rep. No. 3674 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Health Planning Council, Hawai'i County Subarea of the following:

WAYNE SACHIO HIGAKI, term to expire June 30, 2012 (Gov. Msg. No. 373); and

GAIL M. WALKER, term to expire June 30, 2012 (Gov. Msg. No. 374),

seconded by Senator Fukunaga.

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 FRIDAY, APRIL 25, 2008

Stand. Com. Rep. No. 3676 (H.C.R. No. 240, H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 240, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO DESIGNATE THE MONTH OF SEPTEMBER AS "BRAIN ANEURYSM AWARENESS MONTH,"" was adopted.

Stand. Com. Rep. No. 3677 (H.C.R. No. 51):

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ASSESS THE ADVANTAGES AND DISADVANTAGES OF REQUIRING CERVICAL CANCER VACCINATIONS FOR GIRLS BEFORE THEY ENTER THE SEVENTH GRADE," was adopted.

Stand. Com. Rep. No. 3678 (H.C.R. No. 277, H.D. 2):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 277, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING TO ENCOURAGE PARTIES TO WORK TOGETHER FOR THE COMMON GOAL OF INCREASING THE SUPPLY OF WELL-EDUCATED AND DEDICATED NURSES," was adopted.

Stand. Com. Rep. No. 3679 (H.C.R. No. 20, H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 20, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO PROVIDE ADULT RESIDENTIAL CARE HOME OPERATORS WITH THE

SERVICES NECESSARY TO ASSIST THEM IN PROVIDING CARE FOR ADULTS," was adopted.

Stand. Com. Rep. No. 3681 (H.C.R. No. 25):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HOSPITALS THAT PROVIDE MEDICAL CARE TO NEWBORNS TO PROVIDE PARENTS OF THE NEWBORN WITH WRITTEN EDUCATIONAL INFORMATION APPROVED BY THE DEPARTMENT OF HEALTH ABOUT THE DANGEROUS EFFECTS OF SHAKEN BABY SYNDROME AND THE METHODS OF PREVENTING SHAKEN BABY SYNDROME," was adopted.

FINAL READING

Conf. Com. Rep. No. 34-08 (S.B. No. 2499, H.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 34-08 be adopted and S.B. No. 2499, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator English.

Senator English then offered the following amendment (Floor Amendment No. 10) to S.B. No. 2499, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 2499, H.D. 1, C.D. 1, Section 4, is amended by replacing the proposed new language requiring certain actions and certification of the office of Hawaiian affairs prior to the Act becoming effective, with the following language:

""SECTION 4. This Act shall take effect on [~~January 1, 2025~~] July 1, 2008.""

Senator English moved that Floor Amendment No. 10 be adopted, seconded by Senator Gabbard.

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

"This actually makes the state plant, the taro as the state plant, makes effective date July 1, 2008."

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

Senator English moved that Conf. Com. Rep. No. 34-08 be received and placed on file, seconded by Senator Gabbard and carried.

By unanimous consent, S.B. No. 2499, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TARO," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

Conf. Com. Rep. No. 47-08 (S.B. No. 6, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 47-08 be adopted and S.B. No. 6, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Hee then offered the following amendment (Floor Amendment No. 12) to S.B. No. 6, H.D. 2, C.D. 1:

SECTION 1. S.B. No. 6, H.D. 2, C.D. 1, is amended by amending subsection (b) of the new section added to chapter 188, Hawaii Revised Statutes, contained in section 2 of the bill to read as follows:

"(b) It shall be unlawful for any person at any time of the year to take, harvest, or possess opihi from below the waterline of any coastal area or nearshore waters of the islands of the State."

SECTION 2. S.B. No. 6, H.D. 2, C.D. 1, is amended by amending subsection (d) of the new section added to chapter

188, Hawaii Revised Statutes, contained in section 2 of the bill to read as follows:

“(d) It shall be unlawful for any person to take or harvest opihi from above the waterline of the coastal areas or nearshore waters of the State or be in possession of opihi within the State during the closed season from April 1st through September 30th, provided that frozen opihi taken or harvested from above the waterline during the open season from October 1st to March 31st may be possessed for sale or consumption during the closed season.”

Senator Hee moved that Floor Amendment No. 12 be adopted, seconded by Senator Gabbard.

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

“Madam President, the language of the amendment clarifies that it shall be unlawful for any person to take or harvest opihi from under, below the waterline of any coastal area. The phrase ‘below the waterline’ was inadvertently left out of the bill. The second amendment clarifies again below the waterline in the taking of opihi during open and during closed seasons.”

The motion to adopt Floor Amendment No. 12 was put by the Chair and carried.

Senator Hee moved that Conf. Com. Rep. No. 47-08 be received and placed on file, seconded by Senator Gabbard and carried.

By unanimous consent, S.B. No. 6, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO OPIHI,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

Conf. Com. Rep. No. 125-08 (S.B. No. 2262, S.D. 1, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 125-08 be adopted and S.B. No. 2262, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 14) to S.B. No. 2262, S.D. 1, H.D. 2, C.D. 1:

Section 1. Senate Bill No. 2262, S.D. 1, H.D. 2, C.D. 1, is amended by amending section 2 to clarify the reporting deadlines and the scope of the independent audit and state auditor’s review at page 2, line 8 and lines 19-20, and page 3, lines 8-16, to read as follows:

“SECTION 2. (a) The board of trustees of the Hawaii employer-union health benefits trust fund shall conduct a certified independent financial audit of the Hawaii employer-union health benefits trust fund, pursuant to section 87A-24(7), Hawaii Revised Statutes, to cover the Hawaii State Teachers Association, retirees, employees, and employee-beneficiaries who have remained with the Hawaii employer-union health benefits trust fund whether in a bargaining unit or excluded from one, including the State and counties as the employer. The independent auditor shall consult with the state auditor for purposes of the audit to obtain the necessary information for purposes of subsection (b). The audit shall be completed no later than twenty days prior to the convening of the regular session of 2010. The findings and recommendations, including but not limited to methodology and actuarial assumptions, shall be presented to the State auditor for review.

(b) Based upon the independent financial audit under subsection (a), the state auditor shall make findings and recommendations concerning:

(1) The benefit cost for each benefit plan, including medical, drug, dental, and vision coverage; and

(2) Administrative cost for the Hawaii employer-union health benefits trust fund for the plan years July 1, 2006 to June 30, 2007, July 1, 2007 to June 30, 2008, and July 1, 2008 to June 30, 2009.

(c) The audit shall include an actuarial certification, to be made by the independent auditor contracted under subsection (a), of the benefit cost for each benefit plan, including medical, drug, dental, and vision, and administrative costs.

(d) Based upon the independent financial audit conducted under subsection (a), the state auditor shall make separate findings and recommendations for the Hawaii State Teachers Association voluntary employees’ beneficiary association trust for the plan years July 1, 2006 to June 30, 2007, July 1, 2007 to June 30, 2008, and July 1, 2008 to June 30, 2009, in the same manner as set forth under subsections (a), (b), and (c).

(e) The state auditor shall submit a report of findings and recommendations to the legislature no later than twenty days prior to the convening of the regular session of 2010.”

Senator Taniguchi moved that Floor Amendment No. 14 be adopted, seconded by Senator Baker.

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

“Madam President, we’re offering the Floor Amendment to clarify the reporting deadlines and the scope of the independent audit and the State Auditor’s review.”

The motion to adopt Floor Amendment No. 14 was put by the Chair and carried.

Senator Taniguchi moved that Conf. Com. Rep. No. 125-08 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, S.B. No. 2262, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

Conf. Com. Rep. No. 135-08 (H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 135-08 be adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

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

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

“Madam President, H.B. No. 2500, C.D. 1, is the executive supplemental budget and contains the operating and capital improvement appropriations for the executive branch for fiscal year-2009.

“Before highlighting some of the details in the budget itself, I’d again like to acknowledge some people who were quite instrumental in helping to develop the Legislature’s adjustments to this supplemental budget. First, a sincere mahalo to my talented and extremely hardworking staff at Senate Ways and Means, as well as their counterparts in House Finance. They put in lots of long hours, kept their good humor, and provided us with invaluable information and support. Second, I’d like to personally thank you, Madam President, for your counsel and support. You helped us get through some bumps in the road. Your leadership is appreciated and the assistance of your staff is also appreciated. I’d also like to thank the subject matter chairs for their input and patience. The end of conference is a stressful time for all of us, especially since the resources never seem to be plentiful enough, even in the good times, and this year we were in a cutting mode. Your creativity helped many bills

survive. Mahalo to my colleagues on the Committee on Ways and Means, particularly the Committee's vice chair, who developed the CIP portion of the budget and provided valuable perspective on other matters before the Committee. Your understanding and support are greatly appreciated. Third, mahalo to my counterparts in the House, particularly the Finance Chair, Marcus Oshiro, for his stamina, patience, good humor, spirit of collegiality and thoughtful cooperative approach to resolving the differences between the House and Senate versions of the supplemental budget. It was a pleasure being across the table from him putting together a budget that addressed many needs. I know that we both would like to have been able to fund items we were forced to leave on the conference table.

"Madam President, this year's budget adjustment addressed health, safety, and education infrastructure—areas left incomplete in the biennium budget. Your Committee on Conference made reduction to department's discretionary budgets. We reduced vacancies. We denied requests from the executive branch and other advocates. We made these adjustments because we were acutely aware that Hawai'i's strong economic growth of the mid-2000's is gone. Our economy has slowed down significantly. Based on the Council on Revenue's forecast, between March 2007 and March 2008 for FY07-09 combined, the budget had to account for \$487 million in shortfall in actual and projected general revenues—general fund revenues. Hawai'i's economy has also been impacted by the recent shutdown in the operations of Aloha Airlines passenger and now cargo operations, the shutdown of ATA, and Moloka'i Ranch. Further, the Department of Business, Economic Development and Tourism in its latest estimates anticipates a 12.2 per cent decrease in total visitor arrivals as compared to April of last year. Whether due to decreased airline lift or other factors, the Golden Week holiday, which is upon us and usually means lots of visitors to Hawai'i from Japan, doesn't seem quite so golden this year.

"Clearly these are difficult, unsettling economic times. Hawai'i's economy has slowed substantially and the state budget must account for it. The administration, unfortunately, continues to claim that Hawai'i's economy is growing, just more slowly. However, spinning the economic growth issue this way does a disservice to Hawai'i's people by creating the false impression that Hawai'i's economy is growing in real dollars. The truth is that inflation is eating up most, if not all, of Hawai'i's increase in general fund revenues. The Council predicted 3.9 per cent growth with a 4 per cent inflation rate, that in itself is negative growth. Your Committee on Conference took a more cautious approach, given the current situation, and used a revenue projection to craft this budget of 3.5 per cent. Whichever rate of revenue projection is used, the net result, given inflation, is negative growth. This is particularly important to acknowledge in light of the higher costs we're all seeing in energy and other utilities, which impacts the cost of government just as it does our individual household budgets.

"With substantially lower than projected general fund revenues on hand, your Committee on Conference sought to preserve and ensure essential health and safety funding in the supplemental budget. We took care of mental health at both the state level and in the hospital level as well as in Public Safety department. We also took care of those kinds of issues for the University of Hawai'i system as well. We also sought to make sure that the safety concerns at the UH campus were addressed, whether it's at Hilo or Manoa, West Hawai'i, West Oahu, rather, or in our community colleges. We also wanted to make sure that the safety net in our hospitals and our community health centers was there. So when you look at the budget that we passed and the bill before us, you will see that your Committee on Conference, whether it was in subject matter or

in the finance area, sought to preserve funding for critical education, workforce and economic stimulus initiatives

"One thing, Madam President, that is glaringly absent from this particular budget for the first time in at least ten years, there will be no grant-in-aids in the operating budget. Not only did your Committee on Conference lack the resources to provide for GIA's, your Committee on Conference realized that the governor doesn't support these organizations and would not release the funds even if they were appropriated by the Legislature. Your Committee on Conference notes that there are currently 66 organizations waiting for the governor to release over \$9.4 million previously appropriated in operating budget for fiscal year 2007-2008. Hopefully the governor will acknowledge that there aren't funding for these organizations on a going-forward basis and will release them before they lapse at the end of this year.

"Your Committee on Conference was also concerned about the unsustainable rate of expenditures of TANF funds and cash reserves proposed by the Department of Human Services. This I know is a very contentious budget and my good colleague who served on Ways and Means decided to vote 'no' on the budget over it. I respect his position but I respectfully disagree with it because the TANF expenditures proposed by the administration in FY09 would spend all of the \$98.8 million in the TANF block grant and \$40 million of the existing cash reserve, which is projected to be only \$60 million by the end of the current fiscal year. We have been most aggressive in spending down the TANF reserve, and with our economy slowing down we simply can't continue to do that on a going-forward basis. So at the rate of the current spending proposed by the administration, by 2010, the TANF cash reserve would be gone, requiring a dramatic decrease in TANF spending. The decrease that your Committee on Conference proposes, while it looks difficult and some nonprofits may not be able continue at their current levels, it is a more cautious approach, it is a tapered approach, and we believe it is the fiscally responsible approach to reduce TANF spending by \$22.6 million, rather than cutting them much more as we would have to if we continued just to spend down. In doing so, your Committee on Conference notes that its TANF expenditure plan still provides for the essential programs—\$44 million for cash assistance to needy families; \$23 million for work and work support programs; \$3.8 million for enhanced healthy start programs (this is a child welfare program on all islands); \$2.8 million for a highly effective positive youth development program in middle schools called UPLINK; \$3.5 million for various purchase of service contracts; \$1 million to reduce the incidence of out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families; \$400,000 for after-school programs; and TANF funds continue to address those important areas of administration and social service block grant funding. I know that this is not how all of us would want to spend these funds, but we think that these are in the primary areas for which TANF was originally created. And we believe that with this funding plus taking a look at other items in the budget, these critical areas will be met, albeit at a reduced level. And I would remind my colleagues that we are not able to designate which service providers receive TANF funds. That discussion is still left with the department, and within the blocks that are available to the department they can make some shifts if they need to to make sure that critical services in these areas are preserved.

"Another area of great consternation to the Committee on Conference was charter schools. We're extremely concerned about the lack of fiscal responsibility demonstrated by charter schools administrative office, the review panel and their administration. Based on the administration's budget for charter schools, both the House and Senate approved an increase of \$4.5 million—or 8.7 per cent in the charter school budget for FY09. This is at a time we're cutting other budgets

back, we're cutting the Department of Education back. We didn't touch charter schools. Only at the very end of March, after the Senate version of the executive supplemental budget had been voted on in committee did the charter schools administrative office have an 'aha' moment and request additional funds. Your Committee on Conference eventually found it necessary to find some additional resources for charter school with a one-time additional infusion of \$1.6 million in funding. I should note that the Department of Budget and Finance estimates a per pupil expenditure based on the formula in our statute at far less than what the administration had provided and the Legislature had provided in the past based on other numbers. Rather than cutting the charter schools in their overall budget to rebalance and provide what B&F would consider an appropriate funding level of about \$6,600 per pupil—rather than \$8,700 which they were currently getting—they merely cut that when they made the supplemental request for Kamaile conversion and the other two schools. From last year's appropriation of \$51.6 million in FY09 general fund support for charter schools, this budget appropriates \$57.7 million, an increase of \$11.8 compared to the 2.5-5.0 per cent budget reductions for most other departments and agencies, including the DOE, the budget for charter schools has increased substantially. And I know that this does not meet the charter schools request. I think, Madam President and colleagues, one of the items we're going to need to take a look at and address over the interim is what is the appropriate formula and how do we arrive at it.

"The other thing that happened that you should be aware of, at the end, not even a week before we closed conference, the Charter School Review Panel authorized another charter school at the very end of the process. That's 250 additional students that the charters are going to have to absorb. This chair wanted to put a box around the funds and say only the current charters just as a protest to the way that the Charter School Review Panel operated. In the end, that wasn't agreed to by conference. And we've yet to see what the impact is going to be on the charter schools. I imagine that next year we will see an emergency message to try to make the charter schools whole, but I think we have to reevaluate how the schools are authorized, the impact, and there has to be accountability at all levels. It can't just fall to the money committees at the very last minute to try to come up with additional funds. Now I know one of my colleagues is going to stand up in a minute and say, well, you guys had \$11 million for Maui Memorial Medical Center that they didn't use. Thank goodness they didn't use because we'd had to go cut someplace else if they'd had to access those funds.

"You know, Madam President, colleagues, there are things that we would have liked to have done in this budget, but we had to be responsible. I guess in the end, we were trying to be the responsible adult taking a look at all of the needs in the community, all of the needs that had come before us, and try to put together a budget that addressed most of them, at least in a rational and reasonable way. Given the substantially lower than projected general fund growth for the near future your Committee on Conference has crafted an honest, responsible and sustainable supplemental budget. This budget does not create false impressions, should not give rise to false expectations. In total all sources of funding this supplemental budget appropriates \$10.8 billion in FY09. Specifically regarding general funds because that's always where the rub is, this budget appropriates \$5.3 billion in FY09. Compared with the budget request submitted by the governor in December '07 as adjusted by her messages throughout this Legislative Session, this budget represents a decrease of \$44.8 million in FY09 in general fund appropriation.

"Madam President, I know this is not the ideal budget. I do believe it is an honest, sincere effort to address the needs in our

community and do so in a prudent manner. I respectfully therefore ask my colleagues to vote favorably on this measure. The conference draft of the executive supplemental budget does indeed address the critical needs in our state while living within the means of Hawai'i's current economic reality. Mahalo."

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

"Madam President, I rise in support of H.B. No. 2500, C.D. 1. Please, Madam President, before I begin, I would just like to commend the chair of the Ways and Means Committee for her leadership. I would also like to thank you, the Speaker, the House Finance Chairperson as well as the Vice Chair, for your guidance and assistance in crafting this budget, as well as the staff for both the Ways and Means Committee as well as the House Finance for doing such a wonderful job getting this budget complete.

"Madam President, regards to the capital improvement portion of this year's budget, I am pleased to report that your Conference Committee has stayed within the parameters set by the governor of her \$1.5 billion bond issuance plan for the supplemental budget. Included with that \$1.5 billion was over \$200 million which was committed to the department of education for whole classroom renovations, as well as deferred repair and maintenance projects, as well as \$49 million which wasn't included in the governor's plan to deal with the cesspool removals at our schools throughout the state. In addition, Madam President, H.B. No. 2500 has over \$400 million for infrastructure improvements for airports, highways, and harbors and, while we realize that, while we realize here in the Senate that it's important for us to continue to provide infrastructure improvements in these economic times and provide additional jobs, the one missing component I feel that has been left out and I feel somewhat unfortunate and however look forward to coming back next year to dealing with is the portion of the University of Hawai'i budget that wasn't included. And while it's no secret that this Senate body has been fully committed and supported to addressing many of the infrastructure needs at the University of Hawai'i, we will hopefully take that up in a few months. So Madam President, on behalf of the Senate Conference Committee, I urge all my colleagues to support H.B. No. 2500. Thank you."

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

"Madam President, I rise to speak, as predicted, against the budget.

"Madam President, colleagues, I too want to thank the Chairman of the Ways and Means Committee for her hard work. There's no doubt in my mind that she's extremely sincere, as all committee members are. I know for a fact she's probably one of the harder working members of the Legislature by virtue of the enormity of the task she faced in putting a budget together. So I'm perplexed at how reasonable people can all look at the same budget and come to such different conclusions. I respect her point of view and I respect the point of view of the Majority party.

"Where do our differences come from? Do they come from ideological differences? Yes, they do. There are some of us that feel the government has become too expensive and too big to afford and is not getting the job done that we pay so much for. And it affects the rest of our economy so much so that businesses have a hard time surviving here and making payroll. Is it that some of us believe that we have a duty to protect the status quo and state government and business as usual in order to protect our seats? I'd say yes, that's some of our objectives. Is it that we sometimes yield to the most vociferous opposition on issues, regardless of what the facts are? I'd say, Madam

President and colleagues, we probably are all guilty of that. Is it because we're protecting the large vested interest groups, such as the public labor unions, who get the cream right off the top of the state budget? Is it because the political success of some other entity, such as the Governor of the State of Hawai'i, is something that irritates some of us? Her fiscal responsibility and accountability as mentioned about grants-in-aids is something to be lauded, not chastised. Do we make these decisions because oftentimes we get incorrect information or we do not let the facts interfere with our arguments? I'd say yes to them all.

"But let's take a look at the two issues that are at the heart of why I think the State of Hawai'i should not accept this budget, and I'm most pleased that the Chairman of the Senate Ways and Means Committee articulated these two positions.

"Chartered schools. We should all be applauding chartered schools as one of the bright spots in public education. The success they have experienced by doing more with less is undeniable. Why is the DOE consistently trying to put them out of business—dating back years ago when they tried to take tenure away from the teachers to the constant fight that chartered schools have to go through to just keep funding, to keep their doors open without, in many instances for the new century chartered schools, even having facilities. How many of our children are served by them and served well? Thirty, now thirty-one schools. Projected enrollments update—thousands. Their test scores on the average are slightly better than the public education system. Their enrollment speaks louder than anything else. Here in the marketplace of free enterprise, ultimately the consumer tells you what is a good product because they buy it. The parents of the children of Hawai'i are buying chartered schools and repudiating public schools. Enrollment is down in public schools. Enrollment is exploding in chartered schools. That tells us something.

"We've heard about the law. Well, HRS §302B-12 has a formula. The formula was made by this Legislature, and now some people stand up and repudiate that. But if you follow the letter of the law, and it says shall, not may, in the law, it shows that the chartered schools should be getting about \$8,465 per child. This budget, based on increased enrollment, will give them about \$7,100. You know, they say there's not enough money. Quite frankly, I don't understand what the Chairman of the Ways and Means Committee said when she said that we don't have to spend \$11 million on Maui Memorial Hospital so it could be spent somewhere else. It's in the budget. It was appropriated money. It was line item vetoed. That should be \$11 million credit because if it was spent, the money couldn't be spent somewhere else. But I guess that's how the numbers are juggled sometimes.

"But let me also add this. She mentioned that chartered schools funding has gone up. What she didn't mention, and what this budget does, is that over Act 213 of 2007 the entire budget is going up \$250 million. It's not a cut from previous spending. It's just a slowing in growth, which is good. She recognizes, as we all recognize, a slowdown in the economy. We have to slow government spending. What was not said is of the \$250 million this budget increases over Act 213 of '07 is that 24 per cent of it—or \$73 million—is going to the DOE. I find this incredibly interesting in the year 2004, while we were cutting chartered schools, that we enacted Reinventing Education and put into the budget a weighted student formula. We immediately came back thereafter and negated the weighted student formula—our own work—by saying well, the weighted student formula we put it into law, we told the public we made some changes, but we're going to change that because it doesn't work when we add \$20 million to it, for the years '07, '08, and '09.

"Well, this budget adds a proviso, everybody. If you look on page 65 of the budget, line 18, it says 'provided further sums shall be considered a reoccurring cost item which in future fiscal years shall be distributed by weighted student formula.' In other words, the weighted student formula is a shibai—because every year thereafter we have to add \$20 million to the budget in order to keep feeding this huge monster called the DOE.

"I say we should be proud of chartered schools and do everything we can to fund them adequately and fairly. To do less would be breaking the law and would open us up to possible problems—such as the Felix Consent decree, which violated federal law for children with disabilities.

"The second issue that she articulated so well and I think needs to have a balanced perspective on is TANF funding to the most needy and vulnerable in our society. The numbers and the results of TANF funding speak for themselves. Because TANF funds, as her predecessor did not do, Lillian Koller has very innovatively used funds to fund private sector charitable institutions that are cutting dramatically the dependency on cash funding—so much so that in the year 2002 the total payments added to \$72 million. They're down to about \$29 million for cash payments now—because these organizations that Lillian Koller instituted are dramatically reducing dependency on cash payments. What this budget does, as I know the good Senator appreciates some great metaphors, Lillian Koller is teaching people how to fish—not handing them fish. Criticism is made that in the future there'll be no balance. I would suggest that that's the fiscally prudent thing to do. To carry forward, year in and year out, a \$100 million balance is ludicrous. Put that money to work. Because at the end of the year if you have zero the federal government's going to give you another \$100 million. So money left sitting on the table is wasted—just as Lillian Koller's predecessor left hundreds of millions of dollars in her tenure on the table—that did nothing but disappear eventually in the abyss of the federal government's budget process. Twenty-six other states, 26 other states keep zero balance and they spend their money prudently so that at the end of the fiscal year—the federal fiscal year which is October—they get a new check and they start spending it again to keep people from being dependent on cash handouts.

"In the course of the debate on this in the Senate Ways and Means Committee, the National Conference of State Legislatures was quoted. A statement was made that Louisiana is bankrupt and having trouble with their TANF funding. That's just outright false. And we've received communication from Louisiana that says Louisiana was running a surplus of over \$200 million in its TANF reserves due to the decline in TANF recipients. And the legislature's intervened by saying they wanted to monitor how TANF moneys were being spent to whittle down the reserve. Just the opposite. Louisiana wanted to whittle down the reserve so it didn't have a lot of money sitting on the table. So to say we have a zero balance at the end of year, it's not a liability—it's an asset. It says we used federal money wisely and did not have to use money out of the taxpayer, Hawai'i's general fund.

"I don't understand it. I just don't understand it. A lot of comments made about Lillian Koller—I guess Lillian Koller has a problem by being a member of the Lingle administration. But let me tell you about Lillian Koller. In 2008, the Pew Center on the States highlighted director Koller's managerial success story, honored for her use of federal welfare money to strengthen foster care system. In 2007, Lillian Koller received the Commissioner's Award for federal government for exceptional contribution for preventing and treating child abuse. The federal government recognizes the Department of Human Services of improving Hawai'i's child welfare system. The list goes on and on and on and on. Lillian Koller is lauded

nationally while we chastise her, or some chastise her, and try to cut her funding for programs that are so successful in helping the needy.

“I don’t want to belabor the point. But in closing, I would like to say that this budget does increase spending over Act 213 by, as I said, \$250 million. Education is going to get 24 percent of that increase. For what? Why would we be told on this Floor that we’re moderating spending because we want to be fiscally conservative in the face of possible slowdowns, and we’re taking it out of the welfare of children and families and the education of children? I would suspect maybe one of the reasons is because we want to stockpile money for collective bargaining. But that’s just my guess. In closing, we have to do things based on fact, not necessarily politics and feelings, jealousy and misrepresentation of fact. And this budget doesn’t do that. I am voting ‘no’. Thank you, Madam President.”

Senator Trimble rose to speak in opposition as follows:

“Madam President, I too rise in opposition to H.B. No. 2500.

“Colleagues, we have been working hard but it’s time to work smart. We need a paradigm shift in the way we think about our state budget. I want to talk about three things. One, what the budget doesn’t do. Number two, well actually I want to start with what the budget does that really doesn’t address the problem, what we should be addressing, and what we have to do next year so that we can take care of the needs that aren’t currently being addressed.

“Number one, I’m from the old school. I like to think that when I see a budget, it is a budget. This is only one of one or two dozen of bills that appropriates money. It makes analysis somewhat more difficult. Number two, this budget is characterized by tokenism. We seem to appropriate a little bit in a whole bunch of different areas, but not quite enough to really, truly address the problem. Number three, when we think about the budget, we need to worry about what is being left out. We have a shortfall in the employee retirement system—billions of dollars. I think the number I last remember is \$5.1 billion—that’s half of the budget we’re passing here today. We can’t continue to ignore our retirees. An even worse problem is the billions of dollars that we haven’t set aside for the health benefits that we will have to pay out in future times when the economy is not quite so robust.

“What we need to do in order to have money available to take care of these pressing problems is to limit the role of government to core functions. And we need to make a separation between teachers or professors or scientific and professional, and things that might be service areas. And we need to consider the possibility of looking at these service areas and contracting these functions out. We cannot continue to allow that size and number of employees of state government to continue to increase. We have to make a distinction between what is core functions and what is service sector and contract those out. When we do this, we will find that we have sufficient money to take care of programs, to address the needs of the retirement system, and to set money aside for future health benefit costs for our retirees. Thank you.”

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

“Madam President, I rise in support of the H.B. No. 2500.

“And certainly all of us would like to, again, thank the Chair and Vice Chair and efforts on infrastructure, but in particular, I like the Senator from Lanikai’s comment about based on fact. And I’ll just review some of the facts regarding charters.

“Each year for the last number of years your Committee on Education has worked on an omnibus bill to clarify issues that

have been challenging for charters and I believe each year we’ve attempted to improve things. That is a fact. Last year we passed legislation which formed a working group with a representative from the governor, from the charter schools administrative office, and from the board of education to specifically look at the funding issues, work with B&F, work with whomever, and come back to this Body with an agreement on what works. They failed to come to a consensus. I’m not sure if it was B&F or who, but the fact is they all were not on the same page at the end of the day when we had our informational briefing. In any event, your Committee on Education again was working on an omnibus bill to deal with repair and maintenance funds for charters, looking at ways to help them with facilities, looking at ways to clarify the fringe benefit issues, other issues that continue to have differences of opinion. Unfortunately, that bill died because some of the charter community midway through this game decided that they wouldn’t want that bill to go forward. So unfortunately there wasn’t that vehicle to, to make changes in some provisions that warrant changes.

“And based on fact, your Committee and your Chair of your Education Committee continued to want to have the numbers correct. Unfortunately during the zeal of the rally charters had, information was erroneously constructed. People wrote letters to the editor with these erroneous numbers. I believe we should base things on fact—the fact being that when this was set up, charters would not get a share of special education money. That money would be distributed based on students’ IEPs and needs. Charters wouldn’t get a per-pupil share or equal share of federal funds because that’s based on programs. They would not get the debt service share—that’s based on a different way of sending things out. But still some of those who continued to put out erroneous numbers failed to even do the division correctly. So I believe we can do better and we should. So at least for myself, I will continue to work with the charters and whoever to make the numbers correct. Whether the governor budgets the right or wrong number, Budget and Finance releases or withholds the right or wrong number, at the end of the day let’s do a job at least everybody can agree on what the numbers should be—not a wishful thinking number.

“Separate from charters, the weighted student formula I believe as it relates to charters, the issue is with adequacy. The \$20 million that the Senator from Lanikai talked about when weighted student formula was first embarked on, I believe it was this Body’s intention that that number becomes part of the base. It was some other people who kept feeling, ignoring it from being part of the base, causing this Body to continue to say the intention was that it’s part of the base. This has nothing to do with the mechanism weighted student formula, but with some people feeling they don’t need to follow it. But I believe we can do better going forward, and we should. Thank you very much.”

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

“Madam President, I rise in opposition to H.B. No. 2500.

“We’ve had a very good debate this morning. A number of issues have been brought up. It’s not about numbers. It is about people. But the bottom line is this—we’re talking about a document which is still increasing while at the same time we bemoan the fact that our economy is slowing, that our people are having a difficult time. We lose sight of the fact of where this money comes from. This is not our money. This is not how we would individually budget in times of economic crisis or whatever you want to refer to it. This is not how individuals and families and small businesses are forced to deal with budgetary items. They’re forced to cut back. We, in fact, continue spending their money. And as has been said by a number of people this morning, there are more and more people

dependent on government—and state government—more than ever before. And that's our problem and that's our fault. During good times, those of us that have criticized the tax-and-spend philosophy, the philosophy of hiding more money in numerous special funds, the increase in existing taxation, new taxation, new programs, expanded programs—we have the responsibility to make those changes. And if you want to curtail the economic burden on our people then you curtail the budget. You do it in good times when it's a lot easier to do. But now we're not doing it at all.

"We have people who rely on government for grants-in-aid, and the number of those people and organizations continues to increase. The debate is not over TANF funds specifically, or even over charter schools. It is over the philosophy and the direction of this government—whether we're going to encourage people to become more dependent on government, which means that we're going to be more dependent on new revenue sources and increase taxation from our own people; or whether or not we're going to be honest with the people and say, hey, look, things are slowing down and the only money that this government gets is money that it takes away from you. And in our generosity, when we had two successive years of multimillion dollar surpluses, what did we say to the general taxpayers when all was said and done? We'll give you a buck—one dollar. That was our priority to the people that fund this government, and fund those programs, we said, oh, all we've got left is one dollar to give to you next year.

"We don't have our priorities straight. And we can argue all we want about the individual agencies and their needs, but if we don't curtail this tax-and-spend philosophy, while at the same time making our business climate more and more hostile, then we are going to be without revenues because the people that we continue to tax the most are the people that are leaving more frequently. It's not the unemployed. It's not the drug users. It's not the welfare recipients. It's the people that know how to create jobs and businesses and income and tax revenues for this state, and we continue to punish them. And by our spending, by not reining in spending and not making a statement to the Governor, to the public, to the GIAs, to everyone else, I think we do a great disservice.

"I know that all of the legislators that work on the budget process, on the Ways and Means, they work hard. I don't question their sincerity. When the Ways and Means Chairman says we have to act like a responsible parent, we are not the parent. We don't generate the income on our own. We don't line up over here and reach in our own pockets for those causes that we say that we believe in and want to support. You want to support the symphony? Support the symphony. You want to support another nonprofit? Support them. But what we're doing is taking more and more money from those that have less and less ability because of their own budgeting, and we basically force them to tighten their belts while we loosen ours. So we can play fast and loose with the figures—oh, this is a decrease; oh, this is a slight increase; oh, this is a... But when we look at the size of the budget, the budget is growing. The demands on our taxpayers are growing. The demands on small business are growing. And if it were just the budget, that would be one thing. But look at all of the individual accessory appropriations that we have. Look at all the emergency appropriations we passed this year for different government and other agencies to pay for their rising electricity bills. Well, our families have rising electricity bills but we don't pay for them. Water bills. All other kinds of bills. And we're taking it from the very people that we give one buck to. How outrageous, how demeaning, how disrespectful! And yet we're talking about reducing the budget?

"The good Senator from Downtown-Waikiki was right—we've got to prioritize those programs and fund them

sufficiently. But as the good Senator from Lanikai has always said, let's hold them accountable. We haven't solved one of our problems by heaping more money onto a governmental agency. And the fact that we give them more money and not hold them accountable—that's shame on us because that's our responsibility. You want to hold the charter school administration accountable? Absolutely. But absolutely hold the DOE accountable as well. We had a number of bills and resolutions this Session for financial and management audits of some of the biggest tax eaters in this community, and they fell by the wayside—the DOE, OHA, others. We need to be serious about these things. And when we make a statement to the public that we share their pain, then we have to do something about it other than words. The first stop and the first step is to curtail this budget. Thank you, Madam President."

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

"Madam President, brief remarks in support.

"I want to commend the Chair and Vice Chair and all the members of the Ways and Means Committee and their fine staff for the good work that they do. And I think we have an excellent budget given the restrictions that we're working under and I commend them for that work. And you know I believe we have a big responsibility and we're doing as best we can with the resources we have. And for the record, I'd like to point out for the record that the Governor's budget—we were talking here about fiscal responsibility, about cutting budgets, and about who's being fiscally responsible or not—the Governor's budget (and the Governor as we all know is the head member of the Minority party, those that are criticizing us today), her budget I believe was \$44 million higher than the budget we're passing today. So I believe we're right on track. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 135-08 was adopted and H.B. No. 2500, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

RECOMMITTAL OF A SENATE BILL

Conf. Com. Rep. No. 43-08 (S.B. No. 2363, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 43-08 and S.B. No. 2363, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," was recommitted to the Committee on Conference.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 25, 2008

Conf. Com. Rep. No. 7-08 (S.B. No. 2146, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 7-08 was adopted and S.B. No. 2146, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 8-08 (S.B. No. 2170, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 8-08 was adopted and S.B. No. 2170, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 9-08 (S.B. No. 3008, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 9-08 was adopted and S.B. No. 3008, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 10-08 (S.B. No. 3023, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Baker and carried, Conf. Com. Rep. No. 10-08 was adopted and S.B. No. 3023, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 13-08 (S.B. No. 2838, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 13-08 was adopted and S.B. No. 2838, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15-08 (S.B. No. 2054, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 15-08 was adopted and S.B. No. 2054, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16-08 (S.B. No. 2730, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 16-08 was adopted and S.B. No. 2730, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17-08 (S.B. No. 3087, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 17-08 was adopted and S.B. No. 3087, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR

SUSPENSION ON PUBLIC WORKS PROJECTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18-08 (S.B. No. 1035, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 18-08 was adopted and S.B. No. 1035, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAKAHIKI DAY COMMEMORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20-08 (S.B. No. 2895, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 20-08 was adopted and S.B. No. 2895, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 22-08 (S.B. No. 1961, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 22-08 was adopted and S.B. No. 1961, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25-08 (S.B. No. 1891, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 25-08 be adopted and S.B. No. 1891, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Gabbard rose to request comments inserted into the Journal as follows:

"Madam President, please have the Clerk record my reservations on Conf. Com. Rep. No. 99-08, H.B. No. 3179, C.D. 1. And also to insert my comments in support of Conf. Com. Rep. No. 25-08, S.B. No. 1891, C.D. 1 into the Senate Journal. Mahalo"

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

"Madam President, I rise in strong support of S.B. No. 1891, C.D. 1. I introduced this bill after reading media reports and getting many calls from constituents about the problem of ATVs and other vehicles driving on our beaches. As you know, this is a big problem in your district on the Waianae Coast. In one instance, a Kailua resident told me the story of how she and her husband were at Bellows Beach Park in Waimanalo with their one-year old child and had taken video of 4 X 4s drag racing on the beach.

"These vehicles have created a public safety hazard, cause destruction to our natural ecosystem, and can potentially desecrate sacred burial grounds. This bill will give DLNR the tools they need to address this problem and to also deal with

other violations on our public lands. I urge my colleagues to join me in supporting S.B. No. 1891, C.D. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 25-08 was adopted and S.B. No. 1891, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 26-08 (S.B. No. 3061, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hooser and carried, Conf. Com. Rep. No. 26-08 was adopted and S.B. No. 3061, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27-08 (S.B. No. 2456, S.D. 2, H.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 27-08 be adopted and S.B. No. 2456, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Fukunaga rose to request comments inserted into the Journal as follows:

“Madam President, I would like to insert comments in the Journal for S.B. No. 2456, S.D. 2, H.D. 1, C.D. 1, RELATING TO HARASSMENT and also on S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, RELATING TO PERSONAL INFORMATION.”

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

“Identity theft presents a serious threat to everyone in Hawai’i, endangering not only their immediate financial interests, but also their long-term ability to obtain credit and employment. That is why the state legislature has taken action to protect our citizens through better enforcement of existing laws, enacting additional laws, and planning for the future security of sensitive information.

“The purpose of S.B. 2456 is to address one of the forms of electronic harassment crimes that has proliferated with phishing and identify theft as unknown harassers stalk unwitting victims by impersonating them online. SB 2803 is tackles the most complex part of preventing ID theft – that of protecting the security of personal information collected and maintained by state and county governments. Collectively, these measures implement the final recommendations of the December 2007 report of the Hawaii Identity Theft Task Force (ID Theft Task Force).

“S.B. 2803, in particular, reflects the lengthy briefings by state and county agencies and deliberations that the ID Theft Task Force conducted to safeguard personal information contained in government records.

“While some agencies may consider some of the recommended “best practices” adopted by federal agencies and other jurisdictions to be burdensome, the ID Theft Task Force carefully weighed the need to protect and safeguard personal information against procedural requirements that could hinder efficient government use of social security numbers and other information for legitimate identification purposes.

“It may take considerable time and resources to fully implement the higher standard of care called for by the ID Theft Task Force’s review of what it considers to be significant

vulnerability among certain categories of government records. However, the Task Force believed that government agencies must adhere to a equally high standard of care if the legislature imposes a high standard of responsibility upon private businesses and organizations to safeguard personal information under their control. Since both the private and the public sectors are now being held to a higher standard in safeguarding personal information entrusted to them, it made sense to extend the private sector’s deadline to implement ID theft safeguards to July 1, 2009.

“The final bills before us now represent the culmination of the ID Theft Task Force’s comprehensive review of public/private sector records. Now the legislature has taken action, and I urge my colleagues to vote in favor of the conference drafts of S.B. 2456 and S.B. 2803. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 27-08 was adopted and S.B. No. 2456, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HARASSMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 28-08 (S.B. No. 2449, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 28-08 was adopted and S.B. No. 2449, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29-08 (S.B. No. 3051, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 29-08 was adopted and S.B. No. 3051, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY BACKGROUND CHECKS FOR SOCIAL SERVICES PROGRAMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31-08 (S.B. No. 2080, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 31-08 was adopted and S.B. No. 2080, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TEACHER LICENSURE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32-08 (S.B. No. 2785, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Conf. Com. Rep. No. 32-08 was adopted and S.B. No. 2785, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISTRICT COURT JURISDICTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33-08 (S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 33-08 was adopted and S.B. No. 3092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36-08 (S.B. No. 1802, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 36-08 was adopted and S.B. No. 1802, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37-08 (S.B. No. 2396, S.D. 1, H.D. 3, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 37-08 be adopted and S.B. No. 2396, S.D. 1, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Baker rose to request comments inserted into the Journal as follows:

"Madam President, may I have some remarks in support of Conf. Com. Rep. No. 37-08 and Conf. Com. Rep. No. 44-08 on page 28 inserted into the Journal?"

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

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

"Madam President, colleagues, the measure before you is the result of two years of thoughtful consideration and hard work by the members of the SCR 117 Task Force. I had the privilege of Co-Chairing the Task Force and was impressed by the level of participation by everyone involved – advocates, consumers, mental health professionals, representatives of the Judiciary, Public Safety, attorney general's office, public defenders, and Hawaii State Hospital. This was a collaborative process that engaged stakeholders representing a broad range of perspectives. In the end, the group was able to reach a consensus on the first steps we can take to improve the way that the state criminal justice system addresses people with mental illness, especially the conditional release process.

"The statute changes provided in this measure and the additional \$250,000 in the Judiciary Budget for the operations and expansion of the mental health court deserve our support. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37-08 was adopted and S.B. No. 2396, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 38-08 (S.B. No. 2212, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 38-08 was adopted and S.B. No. 2212, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 39-08 (S.B. No. 2867, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 39-08 was adopted and S.B. No. 2867, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42-08 (S.B. No. 1487, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 42-08 was adopted and S.B. No. 1487, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44-08 (S.B. No. 2157, S.D. 1, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 44-08 be adopted and S.B. No. 2157, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige

Senator Baker rose to request comments inserted into the Journal as follows:

"Madam President, may I have some remarks in support of Conf. Com. Rep. No. 37-08 and Conf. Com. Rep. No. 44-08 on page 28 inserted into the Journal?"

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

"Madam President, I rise in support of Senate Bill 2157 CD1.

"This measure updates the statutes regarding pain management. Unfortunately, this is an issue that will probably touch each and every one of us in some way. One of the key elements of compassionate end of life care is the ability to choose the most appropriate course of treatment. This measure will help ensure that pain patients and their caregivers retain that choice by clarifying the patient's right to be prescribed controlled substances to alleviate pain. It will help improve the quality of life for many cancer patients and others suffering at the end of life with chronic pain.

"I would also like to send a warm mahalo to Kokua Mau for their leadership and initiative in this area. This measure is just one of many positive outcomes of Kokua Mau's advocacy regarding end of life care, and I urge all my colleagues to support this important bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 44-08 was adopted and S.B. No. 2157, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45-08 (S.B. No. 3203, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 45-08 was adopted

and S.B. No. 3203, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL HOARDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49-08 (S.B. No. 2163, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 49-08 was adopted and S.B. No. 2163, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 25, 2008

Conf. Com. Rep. No. 51-08 (H.B. No. 2511, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 51-08 was adopted and H.B. No. 2511, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53-08 (H.B. No. 2810, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Hee and carried, Conf. Com. Rep. No. 53-08 was adopted and H.B. No. 2810, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RATES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 54-08 (H.B. No. 2450, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 54-08 was adopted and H.B. No. 2450, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 56-08 (H.B. No. 3126, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 56-08 was adopted and H.B. No. 3126, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59-08 (H.B. No. 2953, S.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 59-08 was adopted and H.B. No. 2953, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60-08 (H.B. No. 3249, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 60-08 was adopted and H.B. No. 3249, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61-08 (H.B. No. 1356, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 61-08 was adopted and H.B. No. 1356, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION BOARD ALLOWANCE FOR FORMER FOSTER YOUTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63-08 (H.B. No. 523, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 63-08 was adopted and H.B. No. 523, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64-08 (H.B. No. 2139, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 64-08 was adopted and H.B. No. 2139, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 65-08 (H.B. No. 2255, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 65-08 was adopted and H.B. No. 2255, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66-08 (H.B. No. 2492, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Espero and carried, Conf. Com. Rep. No. 66-08 was adopted and H.B. No. 2492, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 67-08 (H.B. No. 2245, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Baker and carried, Conf. Com. Rep. No. 67-08 was adopted and H.B. No. 2245, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68-08 (H.B. No. 1365, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 68-08 was adopted and H.B. No. 1365, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII DEFERRED COMPENSATION PLANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69-08 (H.B. No. 660, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 69-08 was adopted and H.B. No. 660, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE CIRCUIT COURTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70-08 (H.B. No. 2697, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 70-08 was adopted and H.B. No. 2697, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71-08 (H.B. No. 2730, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 71-08 was adopted and H.B. No. 2730, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LEGAL REQUIREMENTS FOR NEIGHBORHOOD BOARD MEETINGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72-08 (H.B. No. 2253, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 72-08 was adopted and H.B. No. 2253, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING OR REPEALING VARIOUS PROVISIONS OF CHAPTER 281, HAWAII REVISED STATUTES, INTOXICATING LIQUOR, FOR THE PURPOSE OF CLARIFYING LANGUAGE, CORRECTING ERRORS, AND DELETING UNNECESSARY AND OBSOLETE PROVISIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 74-08 (H.B. No. 2557, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 74-08 was adopted and H.B. No. 2557, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 76-08 (H.B. No. 2486, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 76-08 was adopted and H.B. No. 2486, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 77-08 (H.B. No. 2920, S.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 77-08 was adopted and H.B. No. 2920, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FRAUD PREVENTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78-08 (H.B. No. 1153, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Hee and carried, Conf. Com. Rep. No. 78-08 was adopted and H.B. No. 1153, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSORS TO THE MANUFACTURE OF CONTROLLED SUBSTANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80-08 (H.B. No. 3002, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 80-08 was adopted and H.B. No. 3002, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 82-08 (H.B. No. 3040, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 82-08 was adopted and H.B. No. 3040, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83-08 (H.B. No. 2977, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 83-08 was adopted and H.B. No. 2977, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," having been read

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84-08 (H.B. No. 3173, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 84-08 was adopted and H.B. No. 3173, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85-08 (H.B. No. 3177, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 85-08 was adopted and H.B. No. 3177, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT.," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 87-08 (H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 87-08 was adopted and H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WOMEN'S HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88-08 (H.B. No. 2772, H.D. 3, S.D. 1, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 88-08 was adopted and H.B. No. 2772, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 90-08 (H.B. No. 2366, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Baker and carried, Conf. Com. Rep. No. 90-08 was adopted and H.B. No. 2366, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ORGAN DONOR REGISTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91-08 (H.B. No. 2372, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 91-08 was adopted and H.B. No. 2372, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE PLANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92-08 (H.B. No. 2272, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 92-08 be adopted and H.B. No. 2272, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Espero rose and said:

"Madam President, on Conf. Com. Rep. No. 92-08, H.B. No. 2272, please cast a 'no' vote. Thank you."

The Chair so ordered

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92-08 was adopted and H.B. No. 2272, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Espero).

Conf. Com. Rep. No. 95-08 (H.B. No. 3331, H.D. 2, S.D. 2, C.D. 2):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 95-08 was adopted and H.B. No. 3331, H.D. 2, S.D. 2, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 96-08 (H.B. No. 2519, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Ige, seconded by Senator Baker and carried, Conf. Com. Rep. No. 96-08 was adopted and H.B. No. 2519, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97-08 (H.B. No. 2727, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 97-08 was adopted and H.B. No. 2727, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98-08 (H.B. No. 3175, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 98-08 was adopted and H.B. No. 3175, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE FISHING REPORTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 99-08 (H.B. No. 3179, S.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 99-08 be adopted and H.B. No. 3179, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tokuda.

Senator Gabbard rose to speak with reservations on the measure and said:

“Madam President, please have the Clerk record my reservations on Conf. Com. Rep. No. 99-08, H.B. No. 3179, C.D. 1. And also to insert my comments in support of Conf. Com. Rep. No. 25-08, S.B. No. 1891, C.D. 1 into the Senate Journal. Mahalo.”

The Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 99-08 was adopted and H.B. No. 3179, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEFINITION OF RENEWABLE ENERGY PRODUCER,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 100-08 (H.B. No. 3174, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 100-08 was adopted and H.B. No. 3174, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FEDERAL FISHERIES REGULATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108-08 (S.B. No. 2293, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Inouye and carried, Conf. Com. Rep. No. 108-08 was adopted and S.B. No. 2293, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124-08 (S.B. No. 2218, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 124-08 was adopted and S.B. No. 2218, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128-08 (H.B. No. 94, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Kokubun, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 128-08 was adopted and H.B. No. 94, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 151-08 (S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 151-08 be adopted and S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Fukunaga rose to request comments inserted into the Journal as follows:

“Madam President, I would like to insert comments in the Journal for S.B. No. 2456, S.D. 2, H.D. 1, C.D. 1, RELATING TO HARASSMENT and also on S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, RELATING TO PERSONAL INFORMATION.”

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

“Identity theft presents a serious threat to everyone in Hawai‘i, endangering not only their immediate financial interests, but also their long-term ability to obtain credit and employment. That is why the state legislature has taken action to protect our citizens through better enforcement of existing laws, enacting additional laws, and planning for the future security of sensitive information.

“The purpose of S.B. 2456 is to address one of the forms of electronic harassment crimes that has proliferated with phishing and identify theft as unknown harassers stalk unwitting victims by impersonating them online. S.B. 2803 is tackles the most complex part of preventing ID theft – that of protecting the security of personal information collected and maintained by state and county governments. Collectively, these measures implement the final recommendations of the December 2007 report of the Hawaii Identity Theft Task Force (ID Theft Task Force).

“S.B. 2803, in particular, reflects the lengthy briefings by state and county agencies and deliberations that the ID Theft Task Force conducted to safeguard personal information contained in government records.

“While some agencies may consider some of the recommended “best practices” adopted by federal agencies and other jurisdictions to be burdensome, the ID Theft Task Force carefully weighed the need to protect and safeguard personal information against procedural requirements that could hinder efficient government use of social security numbers and other information for legitimate identification purposes.

“It may take considerable time and resources to fully implement the higher standard of care called for by the ID Theft Task Force’s review of what it considers to be significant vulnerability among certain categories of government records. However, the Task Force believed that government agencies must adhere to a equally high standard of care if the legislature imposes a high standard of responsibility upon private businesses and organizations to safeguard personal information under their control. Since both the private and the public sectors are now being held to a higher standard in safeguarding personal information entrusted to them, it made sense to extend the private sector’s deadline to implement ID theft safeguards to July 1, 2009.

“The final bills before us now represent the culmination of the ID Theft Task Force’s comprehensive review of public/private sector records. Now the legislature has taken action, and I urge my colleagues to vote in favor of the conference drafts of S.B. 2456 and S.B. 2803. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 151-08 was adopted and S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 153-08 (S.B. No. 988, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Menor, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 153-08 was adopted and S.B. No. 988, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC ENERGY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 154-08 (S.B. No. 2150, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 154-08 was adopted and S.B. No. 2150, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 158-08 (S.B. No. 2314, S.D. 1, H.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 158-08 be adopted and S.B. No. 2314, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun

Senator Hee rose to request comments inserted into the Journal as follows:

"Madam President, I would like some comments inserted into the Journal on the purpose and intent of S.B. No. 2314, C.D. 1/Conf. Com. Rep. No. 64, with your permission."

Senator Hee continued in correction:

"Madam President, I want to clarify the remarks I wish to have inserted into the Journal for S.B. No. 2314, C.D. 1. It's Conf. Com. Rep. No. 158-08. Thank you."

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

"I rise in strong support of S.B. 2314, S.D. 1, H.D. 2, C.D. 1, which will enable small health insurers to continue combining different types of health and sickness-related insurance benefits into a single unified policy.

"Approximately 10 per cent of Hawaii's population are medically uninsured. A significant portion of the uninsured are workers not covered by Hawaii's Pre-paid Health Care Act, particularly self-employed workers. It is estimated that about 11,950 self-employed workers are uninsured.

"The Hawaii Uninsured Project also reports that approximately 13,300 part-time workers and 46,500 self-employed workers currently have health insurance. Many of these workers are subscribers of individual plans provided by Hawaii's insurers. Because individual plans and group health plans with one or few number of employees are not part of larger employee pools, health insurance premiums for individual plans are generally more expensive than large group health plans. Larger employee group health plans are able to more effectively spread the health risk amongst their employees to better manage the cost and administration of coverage. The cost of health insurance, particularly for self-employed workers, single employee corporations or partnerships, and small business group health plans with few number of employees are of significant concern to Hawaii's business and general community.

"One of the reasons for higher premiums of individual plans results from impediments to insurers more cost-effectively combining various health-related benefits under the same

policy. Although at least one small insurer has combined benefits under a single policy for eighteen years, the Hawaii Insurance Commissioner has recently chosen to interpret Hawaii law as prohibiting combining different types of health and sickness insurance benefits within the same policy. The Insurance Commissioner's position will necessarily increase costs that will be passed onto consumers through increased premiums.

"It is the goal and intent of S.B. 2314, S.D. 1, H.D. 2, C.D. 1 to expand access to health insurance by allowing broader coverage for less cost. It is the legislature's intent to encourage the existing practice by smaller accident and sickness insurers to "bundle" different classes of insurance, such as health, dental, and vision together, thereby continuing the historical acceptance of this practice by small insurers who lack coercive power in the marketplace. In these circumstances, bundling provides broader health care coverage in single unified policies, ultimately resulting in lower overall premiums, fostering greater competition within the Hawaii insurance marketplace, and providing consumers with greater flexibility, coverage and pricing options."

Senator Ige rose to request comments inserted into the Journal as follows:

"Madam President, I also have some comments in support of Conf. Com. Rep. No. 158-08 and S.B. No. 2314, C.D. 1."

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

"I rise in strong support of S.B. 2314, S.D. 1, H.D. 2, C.D. 1, which will enable small health insurers to continue combining different types of health and sickness-related insurance benefits into a single unified policy.

"Approximately 10 per cent of Hawaii's population are medically uninsured. A significant portion of the uninsured are workers not covered by Hawaii's Pre-paid Health Care Act, particularly self-employed workers. It is estimated that about 11,950 self-employed workers are uninsured.

"The Hawaii Uninsured Project also reports that approximately 13,300 part-time workers and 46,500 self-employed workers currently have health insurance. Many of these workers are subscribers of individual plans provided by Hawaii's insurers. Because individual plans and group health plans with one or few number of employees are not part of larger employee pools, health insurance premiums for individual plans are generally more expensive than large group health plans. Larger employee group health plans are able to more effectively spread the health risk amongst their employees to better manage the cost and administration of coverage. The cost of health insurance, particularly for self-employed workers, single employee corporations or partnerships, and small business group health plans with few number of employees are of significant concern to Hawaii's business and general community.

"One of the reasons for higher premiums of individual plans results from impediments to insurers more cost-effectively combining various health-related benefits under the same policy. Although at least one small insurer has combined benefits under a single policy for eighteen years, the Hawaii Insurance Commissioner has recently chosen to interpret Hawaii law as prohibiting combining different types of health and sickness insurance benefits within the same policy. The Insurance Commissioner's position will necessarily increase costs that will be passed onto consumers through increased premiums.

"It is the goal and intent of S.B. 2314, S.D. 1, H.D. 2, C.D. 1 to expand access to health insurance by allowing broader

coverage for less cost. It is the legislature's intent to encourage the existing practice by smaller accident and sickness insurers to "bundle" different classes of insurance, such as health, dental, and vision together, thereby continuing the historical acceptance of this practice by small insurers who lack coercive power in the marketplace. In these circumstances, bundling provides broader health care coverage in single unified policies, ultimately resulting in lower overall premiums, fostering greater competition within the Hawaii insurance marketplace, and providing consumers with greater flexibility, coverage and pricing options."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 158-08 was adopted and S.B. No. 2314, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 160-08 (S.B. No. 2459, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 160-08 was adopted and S.B. No. 2459, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 161-08 (S.B. No. 3069, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 161-08 was adopted and S.B. No. 3069, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF DEFENDANTS COMMITTED TO A HOSPITAL CONTROLLED BY THE DIRECTOR OF HEALTH OR TO CUSTODY OF DIRECTOR OF HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 163-08 (S.B. No. 2546, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 163-08 was adopted and S.B. No. 2546, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENDER REENTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

MATTER DEFERRED FROM FRIDAY, APRIL 25, 2008

Conf. Com. Rep. No. 6-08 (S.B. No. 2245, S.D. 1, H.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 6-08 be adopted and S.B. No. 2245, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

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

"Madam President, I rise in opposition to S.B. No. 2245.

"Colleagues, a child below the age of nine is permitted to do a great deal of activities which in and of themselves may be much more hazardous than being in a car that is not moving. They can get on a city bus; they can walk or ride a bicycle to school; they can go to a shopping center by themselves; they can go swimming at the beach—none of which at the present moment is against the law if a parent allows them to do so. A child may want to accompany his parents on a trip someplace, but may not wish to go into the store—may prefer to read a book or do some homework. I don't think that a parent is necessarily irresponsible for leaving a child in a car. I don't think that we will ever know or ever want to know the complex decision that a parent makes in deciding whether it is safer for the child to accompany the parent or to be left in the car.

"I do know, however, since the advent of cell phones, that some elder folks do not like what they see and have taken an affinity to call 911 to report children that are left in cars. And maybe the motivation, continued motivation behind this bill, has more to do with the number of 911 calls and the number of calls the police get about children in vehicles. It is not about children's safety. Leaving them at home, allowing them to go to school by themselves, as well as be in the car by themselves teach them responsibility. We need to allow children to grow up. And the only way we can do that is to allow and have them be responsible for what they do and how they behave. This is part of that process. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 6-08 was adopted and S.B. No. 2245, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

Conf. Com. Rep. No. 11-08 (S.B. No. 2434, H.D. 1, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 11-08 be adopted and S.B. No. 2434, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kim

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

"Madam President, I again rise, but this time it's in opposition to S.B. No. 2434.

"Colleagues, I think one of the issues here is separation of power between what is a legitimate function of the executive branch and a legitimate function of the legislative branch. Number two, we as the Senate have power of confirmation. It seems kind of absurd to have members appointed that are of our liking and then later review them. Number three, I find the wording that the appointees of that of the President and the Speaker will be of the general public, but the same wording is not used for those made by the Governor. This bill really serves no constructive purpose. I urge you to vote against it. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 11-08 was adopted and S.B. No. 2434, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 12-08 (S.B. No. 3166, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Hee and carried, Conf. Com. Rep. No. 12-08 was adopted and S.B.

No. 3166, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14-08 (S.B. No. 2196, S.D. 2, H.D. 2, C.D. 1):

Senator Fukunaga moved that Conf. Com. Rep. No. 14-08 be adopted and S.B. No. 2196, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee

Senator Slom rose to speak in opposition as follows:

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

"What the bill does is to extend and expand government regulation over private ocean activities that are already legally applicable, and it also applies to private marinas. I know that there was some testimony in support of this regulation or more regulation, and unfortunately I think that some of the support came from those that do not want competition in the use of commercial ocean activities. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 14-08 was adopted and S.B. No. 2196, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 19-08 (S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 19-08 be adopted and S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Menor

Senator Trimble rose to speak with reservations as follows:

"Madam President, I rise with reservations about S.B. No. 2849.

"The one, one section in the bill that concerns me has to do with providing housing for agricultural workers. My concern is that this section will be abused and that it's just.....Colleagues, you know, when you offer people an opportunity to lower their taxes and perhaps increase their income at the same time, somebody out there is going to try and take advantage of what they perceive as a loophole made for them. We do not intend it as a loophole, but we do not know what people are going to do with their land as they seek to decrease their taxes and increase their revenue. And I think this particular section of the bill will create problems for us as we go forward. Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 19-08 was adopted and S.B. No. 2849, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 3 (Gabbard, Slom, Trimble). Noes, none.

Conf. Com. Rep. No. 21-08 (S.B. No. 1337, H.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 21-08 be adopted and S.B. No. 1337, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee

Senator Trimble rose to speak in opposition and said:

"Madam President, I rise in opposition to S.B. No. 1337.

"Colleagues, what this bill does is it continues the assumption that the deadbeat dad is really the father of the child and makes it much tougher and much easier for the state to collect money. I've had the opportunity to sit in family court and was, I guess, shocked the number of people that are the same gender as the good Senator from Hawai'i Kai that assume that they are the parent of the child in question and once they agree that they are the father without any serious documentation that either confirms it or denies it, they're placed under a heavy financial burden. It seems curious that it works this way but when it comes to child visitation in a divorce, all the mother has to say is 'oh, he's not the dad.' I think we ought to be consistent between custody and divorce issues and child support. And I certainly think that until the state makes a much better effort to determine parentage, we do not and should not continue to make it, assume that every person that said they might be the child's father and doesn't pay is a deadbeat dad. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21-08 was adopted and S.B. No. 1337, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 23-08 (S.B. No. 2644, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Tokuda and carried, Conf. Com. Rep. No. 23-08 was adopted and S.B. No. 2644, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HISTORIC PRESERVATION OFFICER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

Conf. Com. Rep. No. 24-08 (S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 24-08 be adopted and S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara

Senator Hemmings rose to speak in opposition as follows:

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

"We're rapidly reaching a point in our criminal justice system where the government is doing more to protect the perpetrators of crime than the victims, and this bill does just that. As much as I sympathize with the children of incarcerated parents, I likewise sympathize, and maybe even more, with the children whose parents have been maimed, raped, or killed by the perpetrators of crime. And if we were to be balanced and fair, we'd take care of all the children, not just the children of incarcerated parents. Therefore, I'll be voting 'no.'"

The motion was put by the Chair and carried, Conf. Com. Rep. No. 24-08 was adopted and S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

CHILDREN,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Conf. Com. Rep. No. 30-08 (S.B. No. 2373, S.D. 1, H.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 30-08 be adopted and S.B. No. 2373, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Slom rose to speak in opposition as follows:

“Madam President, I rise in opposition to S.B. No. 2373.

“First of all, I think that we should remember that we’ve had a pseudoephedrine law on the books since 2006. It already provides for reporting. What this does is make the reporting more onerous for pharmacies and retailers. Further it creates a Class C felony and in addition to that basically makes criminals of people or people that have to report and go behind the counter for the use of any product that contains any amount of pseudoephedrine. You know, we in this very building several years ago declared a war on drugs, and we talked about how harmful and how detrimental things like ice were and all of that. We had a lot of committees, a lot of task force, a lot of money and all of that stuff. The war was lost within six months. We don’t go after real drugs. We go after people that use prescription medicine. And then we put them on the dock for having to report and we charge the pharmacies and the retailers to set up special procedures. It is an indication of our loss of the war on real drugs. Thank you.”

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

“Madam President, I rise in strong support of S.B. No. 2373, C.D. 1.

“Colleagues the largest ice bust in the history of the state of Hawai’i was in my district recently. Fifty pounds of ice were confiscated. This bill closes a loophole in existing law to allow law enforcement to better track those criminals who go store to store smurfing, which means buying products with pseudo ephedrine with the intention of making ice. States such as Arkansas, Kentucky, Oklahoma, West Virginia have already passed laws like S.B. No. 2373, which successfully is helping to shut down ice labs in their communities. I urge my colleagues to please join me in supporting S.B. No. 2373, C.D. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 30-08 was adopted and S.B. No. 2373, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE SALES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 35-08 (S.B. No. 2833, S.D. 1, H.D. 1, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 35-08 be adopted and S.B. No. 2833, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker

Senator Slom rose to speak in opposition as follows:

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

“This is one in a series of bills that deals with our sustainability plan. And while we’ve had differences in terms of what sustainability means, I think that the problem is we

spent two years on a plan, spent \$2 million, and we’ve come up with ideas and solutions that we’re going to see in some of the other bills that really have nothing to do with sustainability. We should require the university to examine, to examine sustainability from the standpoint of objectivity, rather than requiring them to take this plan and somehow make it look better. Thank you.”

Senator Kokubun rose to speak with reservations as follows:

“Madam President, I stand in support with strong reservations.

“My concerns really have to do with more of the public funding aspect of this measure. I think the intent and the objective of doing this public funding was to “level the playing field” for all of the candidates. And while I think that’s a very worthy objective I just wanted to bring to the attention of my colleagues that—in particular the situation for the Hawai’i County Council—there is a, a budget item that really skews the ability for incumbents to influence, in my opinion, the election. And what I raise is the fact that there is a contingency fund—it’s called the Council Contingency Fund—whereby each councilmember gets \$300,000 a year to spend in their discretion on how to help ‘their constituents’.

“Now, for one thing, this amounts to \$2.7 million a year. I think that’s an outrageous amount of money for this kind of purpose. But the point of this is that, in fact there is not a level playing field. If the incumbents have this kind of contingency funds to frankly to seed the community, then this whole idea about leveling the playing field flies out the window. And so I want my colleagues to be aware of that. I think this is something that as we see this move forward I think we need to act on taking a look at how we might be able to tighten this up. Thank you very much.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 35-08 was adopted and S.B. No. 2833, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUSTAINABILITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Bunda). Noes, 1 (Slom).

Conf. Com. Rep. No. 41-08 (S.B. No. 2341, S.D. 1, H.D. 1, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 41-08 be adopted and S.B. No. 2341, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

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

“I rise in opposition to this bill.

“This bill requires out of state prisons that are holding Hawai’i inmates to make certain reports and to do certain things. You know, we have dodged the bullet on what we’re really going to do with public safety and with our own prisoners here. But there’s been a lot of debate as to the cost and we have found that the costs are generally 50 percent less where our prisoners are housed on the mainland. If we don’t like that, then we have to get serious about having prison facilities here. In the meantime if we pass legislation like this, what we’re going to do is increase the cost and it will be the cost in the budget and the cost to the taxpayers. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41-08 was adopted and S.B. No. 2341, S.D. 1, H.D. 1,

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 46-08 (S.B. No. 2825, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 46-08 was adopted and S.B. No. 2825, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48-08 (S.B. No. 2827, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kim and carried, Conf. Com. Rep. No. 48-08 was adopted and S.B. No. 2827, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Conf. Com. Rep. No. 50-08 (S.B. No. 1793, S.D. 1, H.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 50-08 be adopted and S.B. No. 1793, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga

Senator Trimble rose to speak in opposition as follows:

"Madam President, I rise in opposition to S.B. No. 1793.

"Colleagues this bill does several things. What is particularly disturbing however or the most important thing that you ought to zoom in on is that it essentially removes oversight of the Natural Energy Laboratory. It removes oversight on purchasing and personnel and hiring. I think that it is appropriate that oversight in the form of DBEDT remain and I urge you to consider at least a reservations on this before it goes forward. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 50-08 was adopted and S.B. No. 1793, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 55-08 (H.B. No. 2346, H.D. 2, S.D. 2, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 55-08 be adopted and H.B. No. 2346, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Slom rose to speak in opposition as follows:

Madam President, once again I rise against this bill.

"I spoke about it before. The bill is entitled THE WELFARE OF A MINOR, and if we're really concerned about the welfare of a minor then we should not be exempting breastfeeding mothers who cause the ingestion of drugs and other substances to their minor children. It's as simple as that. It has nothing to do with limiting breastfeeding or saying

anything about that in the negative sense. But if we're talking about welfare of a minor, how do we get crack babies? How do we get babies that are on drugs? From nursing mothers. We should not exempt them. If we're serious about the law and serious about the children, there should be no exemption in this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 55-08 was adopted and H.B. No. 2346, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 57-08 (H.B. No. 931, H.D. 1, S.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 57-08 be adopted and H.B. No. 931, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

Senator Trimble rose to speak in opposition and said:

"Madam President, I rise in opposition to H.B. No. 931.

"Colleagues, this attempts to redefine the definition of what a moped is, and it seeks to allow underpowered vehicles on our highways that have speed limits of 35 mph or less. Whether we're talking about going to Hana or Haleakala or merely driving down Nimitz, it is not good policy to mix vehicles of different weight and speed characteristics. What this bill does is it assumes that the only thing that is important about a moped is having engine capacity of 49 cc or less; when in fact mopeds originally were designed to carry—at least in the United States—one person, and because of lack of acceleration in speed, on the far right hand side.

"Forty years ago I was living in the Philippines. Mopeds—they were actually called tricycles because they served as an alternative to taxi cabs—were quite common in rural areas. And when it became obvious that they created congestion and posed safety problems on the highway, laws were made to preclude their use. In China fifteen years ago, you saw three-wheeled trucks that were powered by engines that were 49 ccs or less. They did not operate faster than six miles an hour. What this bill would allow is that it would allow three-wheeled carts that can carry two passengers side by side, to drive in the right hand lane.

"These vehicles—my staff rented one a year ago and couldn't get it to go faster than 13 mph when it was riding around Diamond Head. They will create congestion and they pose significant traffic hazards when you're mixing them with containerized trucking trucks. So I urge you to do exactly what you did last year at this time when an equivalent bill died on the Floor of this Chamber on a 12 to 12 vote. And I think we had a Roll Call vote last year, so I again would like to request a Roll Call vote this year. Thank you."

Senator Whalen rose to speak on a point of order and said:

"Point of order. I believe that roll call order needs to be one-fifth of the Body before it gets, starts going down this road, this ridiculous road of roll call votes. So unless there is a fifth of the Body supporting that, I don't believe we can do it."

The President then said:

"We'll take a recess to research your point of order."

At 11:41 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 a.m.

The President responded:

“In response to the point of order raised by Senator Whalen, Senator Whalen, rule 70, subpart 4 of the Senate Rules is applicable. And it does say that the president shall, when one-fifth of the members present request a roll call vote. However, when one member so requests, it is at the discretion of the president.

Senator Whalen rose and said:

“Thank you, Madam President, for that education. I was unaware of the variation of our house rules from Mason’s. Thank you very much.”

The President then said:

“And as you know, our rules prevail over Mason’s. It has been the practice of this Body, even prior to this Chair, that we have always courtesied members who request a roll call vote, and in that vein, we will also grant Senator Trimble’s request for a roll call vote. So with that, any further discussion? If not, Madam Clerk, a roll call vote has been requested on H.B. No. 931.”

Senators Espero, Inouye and Nishihara requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 57-08 was adopted and H.B. No. 931, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOPEDES,” having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Ayes with Reservations, 3 (Espero, Inouye, Nishihara). Noes, 2 (Slom, Trimble). Excused, 1 (Ihara).

Conf. Com. Rep. No. 58-08 (H.B. No. 2847, S.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 58-08 be adopted and H.B. No. 2847, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gabbard

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

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

“You know, we discussed this bill before, having to do with conditional license permits when there is a DUI involved. The interesting thing about this bill—there is no supporting testimony for this bill so I don’t know who is supporting it, where it came from. I do know the opposition—Mothers Against Drunk Driving was opposed to it. They said it would weaken the current process. I know the Judiciary had strong comments about it, saying that it would increase lawsuits and challenges. But the bottom line to all of this is here we are under a microscope about DUIs and about those of us elected to public office, and here we are trying to create exemptions and conditional releases. I think it’s the wrong bill at the wrong time and the wrong issue, and I urge my colleagues to vote ‘no’ on this bill. Thank you.”

Senators Nishihara, Sakamoto, Baker and Ige requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 58-08 was adopted and H.B. No. 2847, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDITIONAL LICENSE PERMITS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 4 (Baker, Ige, Nishihara, Sakamoto). Noes, 4 (Espero, Hemmings, Slom, Trimble). Excused, 1 (Ihara).

Conf. Com. Rep. No. 73-08 (H.B. No. 2550, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 73-08 was adopted and H.B. No. 2550, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 75-08 (H.B. No. 1832, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 75-08 be adopted and H.B. No. 1832, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara

Senators Kokubun, Tokuda, Gabbard, Sakamoto and Menor requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75-08 was adopted and H.B. No. 1832, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Ayes with Reservations, 5 (Gabbard, Kokubun, Menor, Sakamoto, Tokuda). Noes, 7 (Baker, English, Espero, Hee, Hooser, Tsutsui, Whalen).

At 11:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 p.m.

Conf. Com. Rep. No. 79-08 (H.B. No. 2204, H.D. 1, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 79-08 be adopted and H.B. No. 2204, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun

Senator Slom rose to speak in opposition as follows:

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

“While I absolutely support the police and law enforcement, this bill has come about because of one incident on the Big Island. It had to do with the unauthorized and illegal use of a law enforcement officer’s firearm. And while I sympathize, I think that really the greater responsibility is a higher standard for law enforcement personnel. If my firearm were taken and illegally used, there would be strict liability to me. This bill grants immunity and additional sovereignty to county law enforcement officers. I think that we should all be held to the same high standard of firearm safety. Thank you.”

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

“Madam President, I stand in strong support of H.B. No. 2204.

“I agree with much of what the previous speaker said. Unfortunately, he missed the point. The point is who should be liable. Should it be you and you and you and me? That is what it’s about. Where the county has no liability, then there should

be no public money that is sought. That is what this bill is about. It's not about holding a policeman to a higher standard. It's about when that police officer goes beyond his function as a police officer and acts independently of that, the county should not be responsible. And in the end it is you and me that will be paying that bill—not the county. So for this reason I think that the bill is appropriate and I urge you to vote in favor of it. Thank you."

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

"Madam President, we have reached a watershed point.

The President asked:

"For what purpose do we rise?"

Senator Hee replied:

"On a point of personal privilege. We have reached a point—a watershed point, a moment in time, a period to cherish. So based on who has the point, a roll call is requested. Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 79-08 was adopted and H.B. No. 2204, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIABILITY OF A FIREARM OWNER," having been read throughout, and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Gabbard). Noes, 1 (Slom).

Conf. Com. Rep. No. 81-08 (H.B. No. 3383, S.D. 1, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 81-08 be adopted and H.B. No. 3383, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara

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

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

"We discussed this only a couple weeks ago when we read that Committee Report it said the reason why we need this law is because some, there was confusion in terms of the public defender as to what the law meant. When we read the Conference Committee Report, it says the reason why we need this law is for consistency. Colleagues, calling for consistency in the law in this regard is like calling for consistency in the temperature of, say, chicken and beef, that when one is considered done the other is considered done. What this law does is say that if you are sentenced for multiple crimes or multiple offenses at the same time, then it is assumed—if no statement was made to the contrary—that these terms will serve concurrently. If however you are sentenced at different times, whether for the multiple offenses, the present law says that it is assumed that they will run consecutively.

"What this bill seeks to do is say if you're sentenced at the same or different times that they will run concurrently. I don't think that this is a clarification. I think it is muddying the waters because there are many instances where people have committed multiple crimes and the judge may or may not be refreshed to his own mind that the guy has had to come back before him for the third time, and he just may sentence him, and that, that additional sentence will run concurrently when in fact it might not be the intent of the judge to have it run this way. So, it is not a clarification. It muddies the water. I suggest you take a re-read, a fast re-read of the bill because it's not very long, and then vote 'no'. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 81-08 was adopted and H.B. No. 3383, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PENAL CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 86-08 (H.B. No. 2062, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 86-08 was adopted and H.B. No. 2062, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 12:16 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:08 p.m.

Conf. Com. Rep. No. 89-08 (H.B. No. 2520, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 89-08 was adopted and H.B. No. 2520, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Ihara).

Conf. Com. Rep. No. 93-08 (H.B. No. 2386, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 93-08 be adopted and H.B. No. 2386, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

Senator Slom rose to speak in opposition as follows:

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

"This is a bad bill. It affects all employers. It requires TTD continuing payments. There is no rationale for this bill but it is costly and will harm even further our business climate. Thank you."

Senators Sakamoto, Nishihara, Inouye, Bunda, Espero, and Kim requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 93-08 was adopted and H.B. No. 2386, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 6 (Bunda, Espero, Inouye, Kim, Nishihara, Sakamoto). Noes, 5 (Hemmings, Ige, Slom, Trimble, Whalen). Excused, 1 (Ihara).

Conf. Com. Rep. No. 94-08 (H.B. No. 2388, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 94-08 be adopted and H.B. No. 2388, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

Senator Slom rose to speak in opposition as follows:

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

“Yet another bad workers’ compensation bill requiring employers to pay for continued medical treatments. And if those treatments are found not to be warranted later on, there is no reimbursement for the employer. Thank you.”

Senators Sakamoto, Nishihara, Inouye, Espero, Ige, and Kim requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94-08 was adopted and H.B. No. 2388, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 6 (Espero, Ige, Inouye, Kim, Nishihara, Sakamoto). Noes, 5 (Bunda, Hemmings, Slom, Trimble, Whalen). Excused, 1 (Ihara).

Conf. Com. Rep. No. 102-08 (S.B. No. 2840, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 102-08 was adopted and S.B. No. 2840, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SELF-SUFFICIENCY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 103-08 (S.B. No. 2879, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 103-08 was adopted and S.B. No. 2879, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 104-08 (S.B. No. 2334, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 104-08 was adopted and S.B. No. 2334, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Conf. Com. Rep. No. 105-08 (S.B. No. 2055, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 105-08 was adopted and S.B. No. 2055, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FAMILY COURT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111-08 (S.B. No. 2668, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 111-08 was adopted and S.B. No. 2668, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112-08 (S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 112-08 be adopted and S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun

Senator Slom rose to speak in opposition as follows:

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

“The so-called right to dry bill. It infringes on contractual rights and also on conditional rights of planned communities. And it’s nice to think that we’re going to do away with the dryers and have our boxer shorts flapping in the breeze, but I think there are more effective ways of helping the environment and cutting down on electricity. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 112-08 was adopted and S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HOUSEHOLD ENERGY DEMAND,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 113-08 (S.B. No. 3076, H.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 113-08 be adopted and S.B. No. 3076, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker

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

“Madam President, I rise in strong support of S.B. No. 3076.

“I perhaps may misconstrue cause and effect here, but I notice the University of Hawai‘i in Kakaako has a class 3 bioterrorism laboratory. The Department of Agriculture authorizes the importation into Hawai‘i of exotic diseases that do not currently exist here and suddenly the Department of Health says that they need not one, not two, not five, but ten more epidemiologists. I’m not sure if they’re here to capture an outbreak of things that might get out of hand, but in any case I support the bill. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 113-08 was adopted and S.B. No. 3076, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EPIDEMIOLOGISTS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115-08 (S.B. No. 2826, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 115-08 was adopted and S.B. No. 2826, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116-08 (S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Baker and carried, Conf. Com. Rep. No. 116-08 was adopted and S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN

ACT RELATING TO PROCUREMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Whalen).

Conf. Com. Rep. No. 117-08 (S.B. No. 3009, S.D. 2, H.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 117-08 be adopted and S.B. No. 3009, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

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

“Madam President, I again rise to speak against money transmitters, in this case it is S.B. No. 3009.

“Colleagues if we can review the history. Five years ago we needed to regulate this industry because drug money was suddenly getting out of Hawai‘i. That failed. A couple years later it was financial institutions that were involved in transmitting money and these financial institutions got together and said we need to protect the public. So we passed it, and when we passed it, suddenly we had a fee structure. Now this year, we are, oh and let’s go back. When we were doing it in the name of protecting the consumers, at the hearings there were no individuals that came forward and said please protect me. It is ludicrous to assume that people don’t know how to get money back to where they have relatives. They network; they talk to each other; they have cell phones; they have phone cards; they can find out when it arrived. But we passed the bill in the name of consumer protection. It had a fee structure. Now we’re coming back and increasing that fee structure.

“But at the same time we are removing from that fee structure the very financial institutions that came before us and said to protect the consumer we need to regulate the industry. What is happening here in the name of consumer protection is higher fees and less money is actually getting back to the country that the people would like to send it to. It is anti-consumer and I urge you to cast a ‘no’ vote this time. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 117-08 was adopted and S.B. No. 3009, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 120-08 (S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Baker and carried, Conf. Com. Rep. No. 120-08 was adopted and S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 121-08 (S.B. No. 2004, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 121-08 was adopted and S.B. No. 2004, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Conf. Com. Rep. No. 123-08 (S.B. No. 1526, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 123-08 was adopted and S.B. No. 1526, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO JUDICIARY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 126-08 (H.B. No. 3178, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 126-08 was adopted and H.B. No. 3178, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127-08 (H.B. No. 2438, H.D. 2, S.D. 2, C.D. 1):

Senator Kokubun moved that Conf. Com. Rep. No. 127-08 be adopted and H.B. No. 2438, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige

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

“Madam President, I stand in opposition to H.B. No. 2438.

“Colleagues, it’s Philip Morris, J.R. Reynolds—they are not our friends. And I am amused to see that if you look at the thing in parentheses below relating to cigarettes, it says safe cigarettes. Of course, the word fire in front of the word safe, but somehow we’re giving the message that if we convert to smoke safe cigarettes, everything will be right in the world. What this bill purports to do is to try and require that cigarettes that are sold in Hawai‘i will not cause fires but will go out. If that is our intention, then why don’t we regulate what goes into the cigarettes themselves—because cigarette companies put in niter to make the cigarettes burn faster. If burning fast were a criteria that were of concern to cigarette companies, then we should start by doing it there. I urge you to vote against the bottom line for Philip Morris and to reject this bill. Thank you.”

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

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

“I certainly share some of the sentiments raised by the colleague who represents part of Waikiki because there is only one, individual company that makes the paper that makes fire-safe cigarettes. I have concerns in addition to that, and that is that we’re setting up a scheme that’s ultimately going to cost us additional money to map out and I’d just as soon we didn’t do anything to enable cigarette smoke in our state. It’s a health hazard. This isn’t really going to make it any better. And quite frankly the statistics don’t show that cigarettes are cause of fires in our state. So I think this is a bit of a sham but because there might be some salutary impacts as a result, I’ll vote with reservations. Thank you.”

Senators Tokuda, English, Nishihara, Inouye, Chun Oakland, Ihara, Hooser, 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, Conf. Com. Rep. No. 127-08 was adopted and H.B. No. 2438, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 10 (Baker, Chun Oakland, English, Gabbard, Hooser, Ihara, Inouye, Kim, Nishihara, Tokuda). Noes, 3 (Hemmings, Trimble, Whalen). Excused, 1 (Hee).

Conf. Com. Rep. No. 130-08 (H.B. No. 2972, H.D. 1, S.D. 2, C.D. 1):

Senator Sakamoto moved that Conf. Com. Rep. No. 130-08 be adopted and H.B. No. 2972, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

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

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

"With all the improvements in technology, we should be examining how we can keep our community schools—schools that are isolated, schools that are small, schools that are an important part of their community. You know, this is sort of like the way that we looked at military bases, and we have to do it all or one, I mean all or none. That's a bad mechanism, that's a bad way of looking at it because we're not talking about military bases we're talking about community schools.

"The second thing is that this truly is a function of the Department of Education and we should be pushing them—not pulling them. We should be pushing them in terms of how to make schools more efficient. And that is by taking money and putting it directly in the classroom. If we did that, this issue would go away. Thank you."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 130-08 was adopted and H.B. No. 2972, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 6 (Baker, Fukunaga, Ihara, Inouye, Nishihara, Taniguchi). Noes, 3 (Ige, Slom, Trimble). Excused, 1 (Hee).

Conf. Com. Rep. No. 131-08 (H.B. No. 3386, H.D. 1, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 131-08 be adopted and H.B. No. 3386, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi

Senator Slom rose to speak in opposition as follows:

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

"Originally this bill had to do with conflicts of interests with the Attorney General's office. The bill was amended and, then in Conference Committee, only applies to Department of Taxation attorneys, creates special councils, makes them do additional annual reports to the Legislature; but it doesn't get around the central idea of having additional attorneys outside of the Attorney General's office—with or without any conflicts. I think it's a costly bill, and I think it takes away from the

Department of Taxation's primary responsibilities of collecting the taxes, including delinquent taxes. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131-08 was adopted and H.B. No. 3386, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 132-08 (H.B. No. 661, H.D. 1, S.D. 3, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 132-08 be adopted and H.B. No. 661, H.D. 1, S.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

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

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

"This bill has a long and checkered past. And most recently the bill was attempted to be amended to put in a provision for campaign contributions—increased campaign contributions from corporations. That of course has been taken out of this bill. I spoke against this bill on the Senate Floor the last time we talked about it. I personally am opposed to the idea of public funding, of having the taxpayers have yet another burden—and that is to further support and subsidize politicians. But more importantly, as I mentioned the last time, I do believe in home rule and if the bill were to have reflected not just Hawai'i County but any of the counties could embark on this public funding if they wanted to, that would have been fine with me. But this bill is very specific to a pilot project only on the Big Island, and the Big Island doesn't get to pay for it. The funds come out of the Campaign Spending Commission funds, and that means to me that there will be fewer investigations of elected officials and others violating campaign spending laws.

"So while those people that say the intent is to have clean elections or voter-owned elections, to me it's to have the taxpayers foot the bill for yet another expense—and that is for those of us in elected office. Thank you."

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

"Madam President, I rise to speak in favor of this bill.

"Colleagues, I must end and disagree with the comments made by the previous speaker. I think he's wrong to say it's public money. It's wrong because the money comes from taxpayers of the state when they fill out their income tax, there's a little box that they check. So they're voluntarily transferring money for this purpose. Second, for the first time we're not doing a study. You know, we're actually trying something—a pilot project. Why not let it go forth and show that this Body is incapable of doing anything that doesn't directly benefit its members. It's not going to change anything. The third thing, you know, is the comment that it somehow is going to take away from the Campaign Finance Commission investigating wrongdoing by people running for public office.

"I think it was this Body that said that we wanted all fines collected by the Campaign Spending Commission to go into the general fund—not to be available for further investigations. So, I don't think it's going to do that. We have here a program that's a pilot. It is limited in scope. It provides three different elections on which to evaluate it. The major concern I have that hasn't been addressed is that nowhere in the bill does it talk about how the results will be evaluated in determining whether

it was a success or failure. So in those terms I think the legislation is defective. But I think it's important that we give the people of this state a chance to see whether this truly will change the way that people are elected, and if so, in what regard. Thank you."

Senator Kokubun rose to speak with reservations as follows:

"Madam President, I stand in support with strong reservations.

"Madam President, and my concerns really have to do with more of the public funding aspect of this measure. I think the intent and the objective of doing this public funding was to "level the playing field" for all of the candidates. And while I think that's a very worthy objective I just wanted to bring to the attention of my colleagues that—in particular the situation for the Hawai'i County Council—there is a budget item that really skews the ability for incumbents to influence, in my opinion, the election. And what I raise is the fact that there is a contingency fund—it's called the Council Contingency Fund—whereby each councilmember gets \$300,000 a year to spend in their discretion on how to help 'their constituents'.

"Now, for one thing, this amounts to \$2.7 million a year. I think that's an outrageous amount of money for this kind of purpose. But the point of this is that, in fact there is not a level playing field. If the incumbents have this kind of contingency funds to frankly to seed the community, then this whole idea about leveling the playing field flies out the window. And so I want my colleagues to be aware of that. I think this is something that as we see this move forward I think we need to act on talking a look at how we might be able to tighten this up. Thank you very much."

Senator Taniguchi rose to request remarks inserted into the Journal as follows:

"Madam President, I rise to speak in support, just to, I'd like to insert some comments into the Journal."

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

"I rise to speak in support of House Bill 661, CD1. The first part of the bill provides for a pilot project to determine the feasibility and interest in a comprehensive public funding program. The pilot project is for the candidates seeking seats to the Hawaii County Council.

"The second part makes various changes to the campaign spending laws for clarification and to increase the amount tax payers can contribute to the Hawaii Election Campaign Fund from \$2 to \$3. This bill also will allow fines and penalties imposed by the commission to be deposited into the general fund.

"During conference, your conference managers attempted to include language that would clarify what is an ordinary and necessary expense for a candidate. We had concerns about the commission restricting expenses to those absolutely necessary. This interpretation has not allowed for what we consider customary expenses, for example, purchasing food for Opening Day at the Legislature for our constituents or giving of lei. Your conferees agreed that the Campaign Spending Commission's interpretation should be in conformance with our federal tax laws as to what is an ordinary and necessary expense.

"Although the conference draft does not contain clarification on what is an ordinary and necessary expense, the bill is a good compromise and I ask my colleagues to support the bill."

Senator Tsutsui rose to speak in opposition as follows:

"Madam President I will be voting 'no' on this measure and I also want to insert comments into the Journal. Basically my opposition is in regards to the public funding part of the bill as well."

The Chair so ordered.¹

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

Senator Hooser rose to request remarks in support be inserted into the Journal, and the Chair so ordered.²

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132-08 was adopted and H.B. No. 661, H.D. 1, S.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Ayes with Reservations, 3 (Gabbard, Inouye, Kokubun). Noes, 5 (Hemmings, Kim, Slom, Tsutsui, Whalen). Excused, 1 (Hee).

Conf. Com. Rep. No. 133-08 (H.B. No. 2763, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 133-08 was adopted and H.B. No. 2763, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN OF INCARCERATED PARENTS TASK FORCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

Conf. Com. Rep. No. 134-08 (H.B. No. 2781, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 134-08 was adopted and H.B. No. 2781, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Hee).

Conf. Com. Rep. No. 138-08 (H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 138-08 be adopted and H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga

Senator Trimble rose to speak in opposition as follows:

"Madam President, I again rise to oppose this bill because of one or two little sentences buried in the back end of the bill where the tax exemption would exclude activities, agricultural activities that involve the use of GMOs. And it is because of this exclusion that I am voting against this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 138-08 was adopted and H.B. No. 2739, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 152-08 (S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1):

¹ Request withdrawn at later date

² Request withdrawn at later date

On motion by Senator Sakamoto, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 152-08 was adopted and S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 164-08 (S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 164-08 be adopted and S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker

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

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

"This bill talks about recycling. But really what it is a tax on manufacturers and it's going to be an anti-consumer bill because except for telephones—which are specifically and interestingly exempted—all other electronic equipment is going to be subject to a cost to the manufacturers which they will then pass on to us. So it's an anti-consumer bill. It's not going to do much in terms of recycling but it will do much in terms of increasing our costs. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 164-08 was adopted and S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC DEVICE RECYCLING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (Hemmings, Slom, Trimble, Whalen).

Conf. Com. Rep. No. 101-08 (S.B. No. 2977, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 101-08 was adopted and S.B. No. 2977, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 107-08 (S.B. No. 2876, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Baker and carried, Conf. Com. Rep. No. 107-08 was adopted and S.B. No. 2876, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110-08 (S.B. No. 2652, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Sakamoto, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 110-08 was adopted and S.B. No. 2652, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 122-08 (S.B. No. 2041, H.D. 1, C.D. 1):

Senator Chun Oakland moved that Conf. Com. Rep. No. 122-08 be adopted and S.B. No. 2041, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige

Senator Baker rose to request remarks inserted into the Journal as follows:

"Madam President, I wanted to ask if I could have some remarks inserted into the Journal. Shall I do that at the end of the calendar?"

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

"Madam President, I rise in support of SB 2041 CD1.

"Colleagues, the \$5,774,340 in general funds provided in this measure will allow us to draw down an additional \$7.5 million from the federal Medicaid disproportionate share hospital payment available to Hawaii in 2008. In total, it will provide over 13 million additional dollars to compensate hospitals for services provided to Medicaid recipients and the uninsured coverage in Hawaii. At a time when the cost of healthcare is rising exponentially, it is imperative that we take advantage of each and every federal dollar available to us. Our Congressional delegation deserves a heartfelt mahalo for their assistance in securing these funds, and I urge a unanimous vote in support of this measure."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122-08 was adopted and S.B. No. 2041, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137-08 (H.B. No. 118, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 137-08 was adopted and H.B. No. 118, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 155-08 (S.B. No. 2830, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 155-08 was adopted and S.B. No. 2830, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 156-08 (S.B. No. 3255, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Baker and carried, Conf. Com. Rep. No. 156-08 was adopted and S.B. No. 3255, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 159-08 (S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 159-08 be adopted and S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland

Senator Baker rose to request remarks inserted into the Journal as follows:

“Madam President, I wanted to ask if I could have some remarks inserted into the Journal. Shall I do that at the end of the calendar?”

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

“Madam President, I rise in support of SB 2542 CD1.

“Madam President, colleagues, Federally Qualified Health Centers and Rural Health Clinics are an essential component of our healthcare system in Hawaii. These centers and clinics provide needed health care services to uninsured or underinsured individuals and families. They are an essential component of our safety net for health care. With a growing population of patients served by these health centers, proper financial and operational support is needed to ensure the continuation of essential rendered services by our federally qualified health centers.

“This measure will ensure the financial viability of our Federally Qualified Health Centers by implementing a process for timely and appropriate reimbursement for their services. In addition, this measure appropriates \$1,000,000 to assist the FQHC’s continue providing services in the face of escalating healthcare costs. I urge my colleagues to support the passage of this measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 159-08 was adopted and S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 40-08 (S.B. No. 3001, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Menor, seconded by Senator Kokubun and carried, Conf. Com. Rep. No. 40-08 was adopted and S.B. No. 3001, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 62-08 (H.B. No. 2661, H.D. 2, S.D. 2, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 62-08 be adopted and H.B. No. 2661, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

Senator Trimble rose to speak in opposition as follows:

“Madam President, I rise in opposition to H.B. No. 2661.

“Colleagues, this bill is a SPRB, a special purpose revenue bond, but it is a special purpose revenue bond where the Attorney General’s office has advised us that it does not qualify for tax-free treatment by the federal government. My interest is why are we passing a bill that provides for the selling of state bonds, which are tax exempt, for an activity that does not qualify for tax exempt treatment. And my concern is a little bit deeper. If the firm is seeking the passage of this bill, then they must see in it something above and beyond the issuance of the

bond. Perhaps it is they see in this bill an endorsement of their proposed economic activity by the State of Hawai’i, by the Legislature of the State of Hawai’i. If this is the case, then my concern is that we, as a Body, have not done our due diligence to put that sort of stamp of approval on it. And I have concerns that, regardless of what other people in this Body have articulated in the past, that the State does run the risk of some sort of liability if we pass a bill that provides for the issuance of state bonds and we have not done due diligence to see that the company is everything that they claim to be. Thank you.”

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

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

“Just to clarify that these bonds may be taxable or tax exempt, depending on what the company qualifies for. They must do all of the due diligence before they’re issued, it does not go against the 415 credit or the bond ceiling of the state of Hawai’i. And while you may have an issue with this, it is enabling them to seek these bonds. It does not affect the tax rating of the state, the bond rating of the state. It does not go against our ceiling limit and I believe that because they do fit within the qualifications for special purpose revenue bond funding that is outlined in the constitution, that it should be up to the financial markets to make that determination whether they’re worthy of floating them. Thank you, Madam President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 62-08 was adopted and H.B. No. 2661, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 106-08 (S.B. No. 3227, S.D. 2, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 106-08 be adopted and S.B. No. 3227, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee

Senator Trimble rose to speak with reservations as follows:

“Madam President, I rise to express my reservations.

“This is not truly about the Aloha Tower Development Corporation or the people that now staff it. I think they do an absolutely marvelous job. My reservation is that Harbors Division of the Department of Transportation should have adequate staffing so that they can plan, design, and construct on a timely basis harbors necessary to serve our needs. Thank you.”

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

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

“Again my colleague to the left I think is weary and he has a short memory in terms of the Aloha Tower Development Corporation as so eloquently discussed during our last Floor Session by the Vice President. I think it has many troubles, and if you look at their track record, I think you will find a troubled track record. And so in terms of the harbor modernization, there’s no question that we need that. But the question is Aloha Tower Development and whether or not they should be the appropriate agency, and I think not. Thank you.”

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

“Madam President, I rise to speak in opposition to S.B. No. 3227, C.D. 1.

“Madam President, I support the modernization of our harbors, but I cannot support this bill. Madam President, this bill expands the Aloha Tower Development Corporation and places the responsibility of the planning, the design, and the construction of our harbors statewide with the ATDC.

“Madam President, we’re talking about millions of dollars for five or more years under the auspices of a super sized ATDC. This is the same ATDC that the auditors in 1987 recommended that they be repealed. This is the same ATDC that has not fulfilled its stated mission and has a \$7.7 million debt. So if the current ATDC is problematic, then a super sized ATDC just compounds the problems. Section 1 of the bill, colleagues, identifies the Aloha Tower Development Corporation as an entity with expertise in the development of state-owned property. What expertise I ask? ATDC has done nothing—or I’m sorry—any development since the Aloha Tower Market project, which was decades ago. And the success of that development has never materialized to what was envisioned.

“To this day, Madam President, the ATDC has not developed anything else except lawsuits. In fact, they have exceeded expectations in this area. They are credited with four lawsuits and three, I repeat, three are currently pending. I would, however, like to thank the Senator from Hana, our Transportation Chair, for trying to get us to get the House to agree to an amendment during the Conference to have the expanded ATDC replaced with a viable alternative. The proposed viable entity would have had the process streamlined and it would have given the neighbor islands two representatives on the board, instead of just one, via the mayor’s representative. It would have expanded ATDC.

“Any reasonable person would ask why not go with the viable alternative. Why put the future of our precious harbors in the hands of ATDC, that is dysfunctional with an unproductive and ineffective record? It makes no sense why the House is so adamant to give this multimillion dollar responsibility of modernizing Honolulu’s, Kaua’i’s, Maui’s, and the Big Island’s harbors to an entity that could not even develop Piers 5 and 6 in over two decades. I’m sure some of you probably don’t care if it’s an expanded ATDC or a viable alternative. You just want the harbors modernized. And up to this Session, I didn’t either.

“ATDC has been quietly racking up the lawsuits but staying under the radar. But you know, even our media has finally caught up to them. In the Advertiser dated March 9th, it says here, ‘Three decades of trying to revitalize and redevelop the Aloha Tower area has seen far more challenges than change’. But it’s not too late for us to right a wrong. Colleagues, think about it. If ATDC was in the private sector, they would have been fired a long time ago; but not in state government. No, only in state government you are rewarded for mediocrity and for incompetence. And the way we fix it is we give more responsibility and not hold you accountable. So we wonder why we end up with projects that have numerous change orders and huge cost overruns and it’s no wonder the public gets upset with us.

“Therefore, I urge to care because this scenario will ultimately cost us more than a year’s delay when the ATDC messes up this modernization. Then we’ll have no excuse when this happens. Remember, the public doesn’t expect us to just do a job. They expect us to do a good job. So please, Madam President, I vote ‘no’ on this item. Thank you.”

Senator Trimble rose in rebuttal and said:

“Madam President, I rise in brief rebuttal.

“The criticisms of ATDC relate to people because government really is people. And the people that made those flawed decisions are no longer at ATDC. If you want to talk about Piers 5 and 6, from my perspective the maritime community and the state of Hawai’i is a lot better off because that development did not occur. And the lawsuit that is pending I think will come back not to hurt the state at all. So we will have made not a giant step backward, but a giant step forward in the use of lands in our harbor for maritime usage and not the boutique-ing of our harbor and the building of more retail space, hotels, or condominiums. Thank you.”

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

“Madam President, I rise in support of the measure.

“This is a landmark piece of legislation, members. It’s a very large ticket item. I think it’s upwards of \$800 million in the budget and in this bill to modernize our harbors. And as you may recall, we’ve had about three years’ worth of work go into this particular bill. The Harbors Users Group, HUGS, came together, funded the studies to look at the prioritization of the harbors in the state and what needs repair and maintenance. They also came in with projections and where we’re going to be. For instance, Honolulu Harbor within the next three to five years will be beyond capacity. Kahului Harbor is already beyond capacity. We’re looking at Hilo, Kawaihae, Nawiliwili, and of course, not to forget our rural communities I added in Hana.

“There may be some objection on this Floor to how this will be implemented, and those are not unfounded objections. But, this project needs to move for the betterment of all of Hawai’i. Something like this comes around once every 75 to 100 years. The last time we did this scale, this scope of modernization and renovations to our harbors was just before statehood. You know, with the closure yesterday of Aloha Airlines Cargo, it becomes apparent to all of us—painfully apparent—that the movement of goods in Hawai’i is heavily dependent on air cargo and we don’t have the capacity or we’re at capacity at our harbors. So unless we improve the harbors so that we can efficiently move goods and people, we are going to be in a bind more and more. I ask for your support of this measure. It has the support of the industry. It has the support of many people in the transportation sector. And yes, there’s always room for improvement and perhaps we can do that at a later time. Thank you.”

Senator Kim rose in rebuttal as follows:

“I rise in rebuttal.”

“Madam President, I agree with the Senator from Hana and I believe he has done an excellent job in getting our harbors remodernized and getting this plan on its way. But for the very reasons that he speak, why would we put this in the hands of ATDC that has a record that they’re going to mess things up. If it’s so important to us, if this is monumental on this scale, then why would we entrust it with an entity that has shown us that they cannot perform, that they cannot even develop a small area? And as for the people that support this and the people in the industry, I believe they support the modernization. I believe they are neutral as to the entity as to who will do the planning and the development of our harbors. I believe that they would be willing to support a viable entity, the ones that we have put forward. And yes, it is people. It is people that have been doing the ATDC for the past 27 years. And I can’t believe that the record has changed in the last 2 or 4 years in which the current board is at the helm of ATDC. And so again, I say let’s do it correctly. Let’s not mess up this very important modernization. If it gets delayed a year, it’s better than it gets

delayed for another decade because we have incompetent people that we're putting it into the hands of. Thank you."

At 1:50 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:54 p.m.

Senators Hooser, Menor, Espero, Nishihara, Ige, Tsutsui, and Sakamoto requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 106-08 was adopted and S.B. No. 3227, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 8 (Espero, Hooser, Ige, Menor, Nishihara, Sakamoto, Trimble, Tsutsui). Noes, 4 (Ihara, Kim, Slom, Taniguchi). Excused, 1 (Chun Oakland).

Conf. Com. Rep. No. 109-08 (S.B. No. 2961, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Conf. Com. Rep. No. 109-08 was adopted and S.B. No. 2961, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Chun Oakland).

Conf. Com. Rep. No. 114-08 (S.B. No. 2768, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Baker and carried, Conf. Com. Rep. No. 114-08 was adopted and S.B. No. 2768, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST THE MAUI REGION OF THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Chun Oakland).

Conf. Com. Rep. No. 118-08 (S.B. No. 3102, S.D. 2, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 118-08 be adopted and S.B. No. 3102, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui

Senator Kokubun rose to speak with reservations as follows:

"Madam President, I stand in support but with reservations.

"You know, I have no argument with the fact that we should allow private money to be donated and utilized with public money for the purposes of the land conservation fund. My concern though stems from the fact that when we utilize State revenues, we need to have a clear understanding that the State maintains some sort of relationship and some sort of control over the lands that are being purchased or the conservation easements or agriculture easements that are being purchased on those parcels of land. If you look at the bill, it says—and my particular concern is of course the State can participate in that as the owner, that's fine. The counties can participate. I think there's some clear responsibility there. But we also allow nonprofit organizations to own the land and to have the conservation easement.

"My concern, Madam President, is that in the event that a nonprofit organization ceases to exist, what then becomes the fate of that parcel of land or that particular easement? And the way the bill is constructed, it says that any land acquired by any nonprofit land conservation organization under this chapter may be sold, leased, or otherwise disposed of with prior written approval of the board—that's the Land Board. So, the Land Board does have some say but my concern is that as the appropriating body, the Legislature should also be permitted to have some sort of approval authority with respect to how these parcels of land will be handled once the nonprofit ceases to exist or in fact even if there's a transfer of that easement or that parcel of land. So for that reason, I will vote to support today with reservations and I look to submit something for consideration in next Session that would clarify this particular part of our HRS. Thank you, Madam President."

Senator Sakamoto rose to speak with reservations on the measure and said:

"Madam President, please note my reservations based on the previous speaker's comments."

The Chair so noted.

Senator Baker rose to speak with reservations as follows:

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

"I share the good Senator from the Big Island's concern and would note for colleagues that there is precedent that if a nonprofit organization receives a grant-in-aid from the Legislature to purchase land or to purchase a building or to do a large capital improvement, and then the purposes for which that grant-in-aid was provided changes, then the fund reverts back to the state. I think it's a good precedent for the situation we're dealing with here although slightly different and probably would not be completely applicable because I think the statute in question references a grant made pursuant to chapter 42. I just offer this for the record so that when we do move this measure forward and consider the long term consequences, we can make those appropriate corrections next Session. Thank you, Madam President."

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 118-08 was adopted and S.B. No. 3102, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 6 (Baker, Ihara, Kokubun, Nishihara, Sakamoto, Taniguchi). Noes, 1 (Slom).

Conf. Com. Rep. No. 119-08 (S.B. No. 2365, S.D. 1, H.D. 1, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 119-08 be adopted and S.B. No. 2365, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker

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

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

"Among other things it creates yet another new special fund, in which you know I oppose all of them. It's the rental motor vehicle customer facility charge special fund. The \$2 to \$3 per day surcharge on rental vehicles was to expire this year. It takes away that expiration date, leaves the amount at \$3, and also leaves the door open for either an expansion in that \$3 per

day rate and/or tax on other highway vehicles in addition to the highway fuel taxes that we have now. Thank you.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 119-08 was adopted and S.B. No. 2365, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 2 (Kim, Nishihara). Noes, 4 (Hemmings, Slom, Trimble, Whalen).

At 2:02 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:03 p.m.

Conf. Com. Rep. No. 129-08 (H.B. No. 2978, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 129-08 and H.B. No. 2978, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred until Thursday, May 1, 2008

Conf. Com. Rep. No. 136-08 (H.B. No. 2700, H.D. 1, S.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 136-08 be adopted and H.B. No. 2700, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker

Senator Slom rose to speak in opposition as follows:

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

“While there are some very necessary items in the judiciary budget and while there are other items that I think are important, I still take issue with what’s happening with the Kapolei construction project. Number one, not only the overrides in terms of costs, the change orders, and things of that nature, even though they have reduced the scope, size, and content of the building; but also the lingering, long lingering computer problems and the additional funds for that particular program which is long overdue. But I also have a problem because it was the Judiciary and their testimony that apparently sunk the ability to have electronic deposits for the Bureau of Conveyances and the land court this year. And if the Judiciary wants to get involved in other departments and other agencies that seem to be in need of improvement and are moving towards improvement, but they’re blocking it, then I have a problem with their budgetary needs and I think we should scrutinize them very closely.

“Also I have a problem with the \$1,760,683 in subsidies and grants to the various legal aid groups that they subsidize because there have been a number of occasions where what we’re doing is creating lawsuits and the Judiciary asks for more money for their budget, and in turn they’ve used nearly \$2 million to turn over to these organizations. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 136-08 was adopted and H.B. No. 2700, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 157-08 (S.B. No. 69, S.D. 2, H.D. 3, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 157-08 be adopted and S.B. No. 69, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland

Senator Trimble rose to speak in opposition as follows:

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

“Colleagues, this measure targets a very specific group—those that were affected by the closure of Aloha Airlines passenger and cargo divisions. The cause may be just but if it is just then it should apply to everyone that becomes unemployed. The second thing is that perhaps there needs to be a needs test. The third thing is that perhaps the spouse can carry the children under their medical insurance. That is not considered, so I think we should look carefully when we carve out a specialized group for preferential treatment in an election year because there are many other people that aren’t in that special group that think that they are just as deserving. Thank you.”

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

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

“I think the good Senator from Waikiki may be looking at a different version of this draft. This measure was broadened in Conference Committee to sweep in as many folks within a specific time frame as possible whose businesses and employment may either have ceased operation or gone out of business. You know, Madam President, when we stood on this Floor in 2007, I believe last year, we created universal health care for our children. We created Keiki Care which this measure utilizes to make sure that we live up to that commitment. We have a very good state children’s health insurance program—SCHIP—that we in our budget put additional resources in because the federal government can’t get its act together to make sure that that program is appropriately extended and funded. So the state had to step to the plate. With Keiki Care and SCHIP, we should be able to ensure that all of our children have the opportunity to have good health insurance. I think the Health Chair, the Human Services Chair, and the Ways and Means Chair would have wanted to be able to extend health coverage to all of the individuals that are in this unfortunate situation. That would have been their moms and dads, too. It was not possible. But because of this mechanism we can take some of the burden off of folks that are recently unemployed through, quite frankly, no faults of their own, to try to make sure that one less worry—and that is the health of their children—is taken care of. I urge all my colleagues to vote in favor of this measure. It’s a good measure.”

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 157-08 was adopted and S.B. No. 69, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Slom). Noes, 1 (Trimble).

Conf. Com. Rep. No. 162-08 (S.B. No. 3171, S.D. 2, H.D. 2, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 162-08 be adopted and S.B. No. 3171, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun

Senator Trimble rose to speak in opposition and said:

“Madam President, I rise in opposition to S.B. No. 3171.

“Colleagues, I view this bill as somewhat akin to the money transmitters’ bill. First we claim that people that have money need to be protected. It’s amazing that they got money by not being protected before we came along. But maybe if we can raise their taxes and implement legislation by such as this, they will appreciate what we do. This bill seeks to provide regulatory framework for charitable trusts and nonprofits. It seeks to impose fees and once you start a fee process, the history of government is consistent; we come back year after year and continue to increase these fees. And the justification for this bill they talked about excesses at one particular preschool where the director received compensation of a quarter of a million dollars, received—he and his wife—received different vehicles under lease. And that’s all good and well but when you get to the exclusions, you find out that educational institutions were excluded. If what we’re trying so, having passed this bill a few years ago, would not have brought the abuses to light. The federal government does track most nonprofits. And finally, if what we’re interested in doing is looking at those that solicit moneys, then perhaps we should separate those out for special treatment—not that of charitable organizations. And finally, charitable organizations do add an important part to our community. So if we must do it, then let’s use general fund appropriation and not charge them fees. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 162-08 was adopted and S.B. No. 3171, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARITABLE TRUSTS AND NONPROFIT ORGANIZATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 2:12 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:50 p.m.

THIRD READING

At 2:51 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:52 p.m.

Stand. Com. Rep. No. 3682 (H.B. No. 2168, H.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 3682 be adopted and H.B. No. 2168, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak in opposition as follows:

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

“Colleagues, do you remember a couple years ago I rose to question a SPRB that we were talking about, debating at that time, and nobody seemed to know where it came from and who the person was and all that? Well, this particular special purpose revenue bond issue in the amount of \$50 million is quite interesting because the company—H2 Technology—seems to be quite interesting in terms of information I could find on them.

“First of all, I will give them a lot of credit. All of the principals in the company are entrepreneurs. There are four principal people and they talk about the company being actively engaging in resource conservation and carbon offsetting, and they also talk a lot about living in harmony with the earth and that the technology company will strive to develop technologies to help us live in harmony with the natural world. For the \$50 million that they’re looking for, we can look at what they’ve

already done, and they’re very adroit at advertising, marketing and publishing. One of them has been involved with the educational facility for renewable energy. Another one has been involved in the packaging of biodegradable skin care products. Another one has developed a video game machine and a water filtering manufacturing company as well as a monthly web magazine. And to date I think their leading technology is referred to as ‘dynamic water bubble technology’.

“What seems to be missing is anything having to do with real energy conservation or energy development. And they are seeking \$50 million bucks to construct a hydrogen generator appliance laboratory and hydrogen generation and conversion facilities and yet I can find nothing that shows that they have any expertise or any knowledge of this particular process. I also find that on March 18th of this year, before the Senate Energy and Environment Committee, that the Attorney General testified that his opinion was that the bond would not be tax exempt because the company were not producing energy early enough. The bond is too large to qualify and the company is not a 501(c)12 nonprofit.

“My colleague, my investment colleague and I are of the opinion that really they’re not even seeking this special purpose revenue bond. What they are seeking is an endorsement from the State Legislature, the State of Hawai‘i, so that they can go out and raise equity funding for themselves. Now I could be wrong about all of these things, or some of these things, but I would like to hear some support for this company and also, specifically what they have done and what they have demonstrated in this field that would get this Legislature to approve \$50 million in a special purpose revenue bond.

“I urge my colleagues to be very careful when we get these people coming in or organizations where no one has heard anything about them before and they don’t really have the qualifications, particularly when we’re talking about, you know, we are the responsible adults and we have to shepherd the money and all of that stuff. This is a special purpose revenue bond, but it is tax exempt to the State, so it’s important. So I urge my colleagues to take a very close look at this. I will be voting ‘no’. Thank you.”

At 2:56 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:01 p.m.

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

“Madam President, I am not intimately aware of all of the issues with H2 Technologies. But I will say that they have gotten endorsed by NELHA, the Natural Energy Lab Hawai‘i Authority, where this project is to take place. They also did receive positive testimony from HTDC as well as the Kona-Kohala Chamber of Commerce, Kona Brewing Company, and other individuals and companies. So, you know, I think that’s an endorsement of their proposed revenue bond.”

The motion was put by the Chair and carried, H.B. No. 2168, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

MISCELLANEOUS COMMUNICATION

Misc. Com. No. 3, from the Honorable Colleen Hanabusa, President of the Senate, and the Honorable Calvin K.Y. Say, Speaker of the House of Representatives, dated April 26, 2008, transmitting a Legislative Communication amending the Joint

2008 Legislative Calendar to extend the Final Decking deadline from 12:00 midnight, April 25, 2008, to 12:00 noon, April 26, 2008, was read by the Clerk and was placed on file.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1491, S.D. 1 (H.D. 2):

The President discharged the managers who were appointed on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1491, S.D. 1.

Senator Espero moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 1491, S.D. 1, seconded by Senator Tsutsui and carried.

Senator Espero moved that the Senate agree to the amendments proposed by the House to S.B. No. 1491, S.D. 1, seconded by Senator Tsutsui.

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

“Madam President, this measure authorizes the use of the Controlled Substance Registration revolving fund to offset costs of investigating violations of the Uniform Controlled Substances Act, including operations of the Narcotic Enforcement Division’s Forensic Drug Laboratory. After further review, we have agreed with the House measure, Madam President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1491, S.D. 1, and S.B. No. 1491, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 1720, S.D. 1 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 1720, S.D. 1, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1720, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Tsutsui). Noes, none. Excused, 1 (Whalen).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 1720, S.D. 1, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1720, S.D. 1, and S.B. No. 1720, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST JACOBY DEVELOPMENT, INC., A PROCESSING ENTERPRISE,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2034 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2034, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives,

the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2034, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Tsutsui). Noes, none. Excused, 1 (Trimble).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2034, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2034, and S.B. No. 2034, H.D. 2, entitled: “A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OCEANLINX HAWAII LLC,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2040, S.D. 1 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2040, S.D. 1, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2040, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Baker, Whalen). Noes, none. Excused, 1 (Fukunaga).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2040, S.D. 1, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2040, S.D. 1, and S.B. No. 2040, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CANCER SURVEILLANCE,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

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

Senator Ige moved that the Senate reconsider its action taken on April 8, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2169, S.D. 1, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2169, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kokubun, Ige, Taniguchi). Noes, none. Excused, 1 (Trimble).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2169, S.D. 1, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2169, S.D. 1, and S.B. No. 2169, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIQUOR LICENSES,” was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2263, S.D. 2 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed

by the House to S.B. No. 2263, S.D. 2, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2263, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Sakamoto, Taniguchi, Tokuda, Slom). Noes, none. Excused, none.

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2263, S.D. 2, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2263, S.D. 2, and S.B. No. 2263, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2433, S.D. 2 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2433, S.D. 2, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2433, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 2 (Fukunaga, Tsutsui). Noes, none. Excused, 1 (Slom).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2433, S.D. 2, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2433, S.D. 2, and S.B. No. 2433, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2584, S.D. 2 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 3, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2584, S.D. 2, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2584, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Tokuda, Kokubun, Slom). Noes, none. Excused, 1 (Taniguchi).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2584, S.D. 2, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2584, S.D. 2, and S.B. No. 2584, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 2808, S.D. 2 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 2808, S.D. 2, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 2808, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Menor, Taniguchi, Kokubun, Trimble). Noes, none. Excused, 1 (English).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 2808, S.D. 2, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2808, S.D. 2, and S.B. No. 2808, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 3019, S.D. 1 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 3019, S.D. 1, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3019, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Kokubun, Taniguchi). Noes, none. Excused, 1 (Trimble).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3019, S.D. 1, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3019, S.D. 1, and S.B. No. 3019, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

S.B. No. 3190 (H.D. 1):

Senator Ige moved that the Senate reconsider its action taken on April 10, 2008, in disagreeing to the amendments proposed by the House to S.B. No. 3190, seconded by Senator Whalen and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 3190, on the following showing of Ayes and Noes:

Ayes, 2 (Menor, Tsutsui). Noes, none. Excused, 1 (Trimble).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 3190, seconded by Senator Whalen.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 3190, and S.B. No. 3190, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL

PURPOSE REVENUE BONDS TO ASSIST SOPOGY INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY ON THE ISLAND OF OAHU," was placed on the calendar for Final Reading on Thursday, May 1, 2008.

DISCHARGE OF CONFEREES

S.B. No. 1491, S.D. 1 (H.D. 1):

The President discharged all conferees on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1491, S.D. 1.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 677 to 680) were read by the Clerk and were placed on file:

Gov. Msg. No. 677, informing the Senate that on April 29, 2008, she signed into law Senate Bill No. 3004 as Act 41, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Gov. Msg. No. 678, informing the Senate that on April 29, 2008, she signed into law House Bill No. 3197 as Act 42, entitled: "MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY SYSTEM."

Gov. Msg. No. 679, informing the Senate that on April 29, 2008, she signed into law House Bill No. 3140 as Act 43, entitled: "MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII PUBLIC HOUSING AUTHORITY."

Gov. Msg. No. 680, informing the Senate that on April 29, 2008, she signed into law House Bill No. 2301 as Act 44, entitled: "RELATING TO DENTISTRY."

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 3696) recommending that the Senate advise and consent to the nominations of the following:

ARTEMIO C. BAXA to the Board of Regents of the University of Hawai'i, in accordance with Gov. Msg. No. 607;

HOWARD H. KARR to the Board of Regents of the University of Hawaii, in accordance with Gov. Msg. No. 657; and

DENNIS I. HIROTA PHD, PE, LPLS to the Board of Regents of the University of Hawaii, in accordance with Gov. Msg. No. 658.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3696 and Gov. Msg. Nos. 607, 657 and 658 was deferred until Thursday, May 1, 2008.

Senator Sakamoto, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 3697) recommending that the Senate not advise and consent to the nomination of CATHERINE Y. LAGARETA to the Board of Regents of the University of Hawai'i, in accordance with Gov. Msg. No. 609.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3697 and Gov. Msg. No. 609 was deferred until Thursday, May 1, 2008.

Senator Baker, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. No. 164 to the Committee on Ways and Means be waived.

Senator Baker noted:

"Madam President, the reason I'm requesting the waiver is that this measure is very similar to the S.C.R. that was passed by the committee and did not receive consideration in the House and the nurse aide issue is one that we've dealt with and we need the study to help us move forward with decision making."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Thursday, May 1, 2008:

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007."

Senator Nishihara, Chair of the Committee on Tourism and Government Operations, requested that the referral of H.C.R. No. 358 to the Committee on Tourism and Government Operations be waived.

Senator Nishihara noted:

"Madam President, this resolution did not make it out of Committee in the time allotted, so however we did an agreement with the House as well as my Committee and we believe that this resolution will allow for a taskforce to advance the transparency in the operation of the PEG organizations. So I ask that you support this resolution."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Thursday, May 1, 2008:

H.C.R. No. 358, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO SOLICIT PUBLIC INPUT AND EXAMINE METHODS OTHER THAN THE PUBLIC PROCUREMENT CODE PROCESS TO OVERSEE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS' EXPENDITURES AND ENSURE PROPER CHECKS AND BALANCES."

RECONSIDERATION OF ACTION TAKEN

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

Senator Kokubun moved that the Senate reconsider its action taken earlier on the calendar in passing H.B. No. 1832, H.D. 1, S.D. 1, C.D. 1, on Final Reading, seconded by Senator Sakamoto.

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

"Madam President, I rise in support of the motion for reconsideration.

"I want to encourage my colleagues to support this motion. You know, there's, there's no question, no doubt whatsoever that the public purpose that this bill intends to serve is a valuable one and a good one. But there's also other values at work here that I believe don't, aren't being considered appropriately. The issue of free speech is one. I think there's no argument. We need to regulate signs and I agree they can be ugly and that they do need legislation. However, this measure, H.B. No. 1832, C.D. 1, is not ready in my opinion and needs

significantly more work. And I will make a personal commitment to spend my time and energy during this coming year to work with the advocates to help make it a better bill.

“In my opinion it is far too restrictive. It brings in not just political signs but also community. You know it could have potential impacts on neighborhoods, huli huli chicken signs, support our troops, go warriors. There are many, many, many signs that could be impacted by this. It’s also a question of home rule. Counties, some counties such as Maui County has a very good ordinance in place that handles this—I think most people on Maui would agree—handles it fairly well. And there’s a possibility that this could preempt counties that already have in place or are considering their own rules, which also begs the question that it doesn’t take into consideration the differences between Honolulu and the neighbor islands and rural communities. I think there are some real differences in the approach and the customs of those communities and how it should be handled. So I’m calling on the support of members to support this motion for reconsideration and join with me in working on improving this bill and make it ready for the next year, so that it will address these concerns and others that have been raised. Thank you, Madam President.”

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

“Madam President, I rise to support the motion to reconsider.

“I agree with the previous speaker. You know, Maui County has a very good ordinance in place and really the home rule issue is what’s at play here. If Oahu has an issue with this, then it really should be the City Council to pass an ordinance. It can borrow Maui’s ordinance if they wish to adopt that. But the point is that this shouldn’t be done at the statewide level and we need to make sure that the home rule issue is taken into consideration. So I don’t want this to overrule Maui’s ordinance. I think it works very well on our three islands. And I ask our members to support the motion. Thank you.”

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

“I rise to speak against the motion.

“With all due respect to the Majority Party’s enduring and strong support of home rule, I’ll be voting ‘no.’”

Senators Ihara, Chun Oakland, Kim, Slom, and Trimble requested that their votes be cast “no,” and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1832, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING,” was recommitted to the Committee on Conference on the following showing of Ayes and Noes:

Ayes, 16. Noes, 5 (Chun Oakland, Ihara, Kim, Slom, Trimble). Excused, 4.

At 3:13 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:18 p.m.

Senator Tokuda rose and said:

“Madam President, I just request that the Clerk allow me to insert remarks to the Journal noting my opposition to the re-committal of the previous measure.”

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

“Madam President, please have the journal reflect that it was my intention to vote against the re-committal of HB1832, Relating to Outdoor Advertising.

“While I did have concerns over the implications of this bill, I voted in favor of this measure with reservations. Understanding that some of my colleagues had continued concerns over the bill, I was open to having the bill brought back to the floor for a discussion over its re-committal.

“Unfortunately, the vote to bring this measure back to the floor and the re-committal vote was merged into a single motion, and not understanding this until after the vote was taken, I erroneously rose in support. That being the case, I’d like the record to reflect that it was never my intention to vote in favor of the re-committal.”

ADJOURNMENT

At 3:22 p.m., on motion by Senator Ige, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 a.m., Thursday, May 1, 2008.