

JOURNAL
of the
SENATE OF THE
TWENTY - FOURTH LEGISLATURE
of the
STATE OF HAWAII

Special Session of 2008

Convened Tuesday, July 8, 2008
Adjourned Tuesday, July 8, 2008

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**THE
TWENTY-FOURTH LEGISLATURE
STATE OF HAWAII
SPECIAL SESSION OF 2008
JOURNAL OF THE SENATE**

FIRST DAY

Tuesday, July 8, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawaii, Special Session of 2008, was called to order at 10:31 a.m., by Senator Colleen Hanabusa, President of the Senate.

At this time, the President made the following announcement:

“Members, we’re convening this morning in Special Session for the sole purpose of acting upon any bills which may be returned by the Governor pursuant to Article III, Section 17 of the Hawaii State Constitution.”

The Divine Blessing was invoked by the Honorable Gary L. Hooser, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Inouye and Whalen who were excused.

At 10:33 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:37 a.m.

At this time, the President made the following announcement:

“Members, we’re still awaiting governor’s messages on bills that she may veto. In light of that we will reconvene, the Chair will call a recess and we will reconvene at 1:30 p.m., that’s 1:30 this afternoon. Recess subject to recalling at 1:30 p.m., today.”

At 11:38 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:53 p.m.

At this time, the President made the following announcement:

“Members, of about an hour or so ago we received copies of the governor’s objections and return of the bills, in that, we are still in the process of making copies so each and everyone of you can review the basis of the objections or the basis of the vetoes. We will be recessing ‘til 3:00 this afternoon. So, recess, reconvene at 3:00 p.m., this afternoon. Thank you.”

At 1:54 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:37 p.m.

MOTIONS TO OVERRIDE VETOES

At this time, the President made the following announcement:

“If there are no objections from the members, we will be taking a roll call vote on each of the measures before us.”

S.B. No. 156, S.D. 2, H.D. 2, C.D. 1:

At 3:38 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:39 p.m.

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 156, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 868, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 156, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOTING,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 871, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 871, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 869, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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 overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 1526, S.D. 2, H.D. 3, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 1526, S.D. 2, H.D. 3, C.D. 1, as contained in Gov. Msg. No. 870, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 1526, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO JUDICIARY,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 1793, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 1793, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 871, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2082, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2082, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 864, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2082, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2198, S.D. 2, H.D. 2, C.D. 2:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2198, S.D. 2, H.D. 2, C.D. 2, as contained in Gov. Msg. No. 873, seconded by Senator Ige.

Senator Hemmings rose in opposition of the override and said:

“Madam President, I rise to speak against this legislation.

“Thank you, Madam President. There’s no secret that Hawai’i’s facing some tough fiscal times. This bill would allow for some massive tax credits for land conservation. It should be noted as it is in the Governor’s Message, that this Legislature in its wisdom has implemented numerous land conservation efforts that seem to have a good public purpose without digging too heavily into our pocketbooks. I believe, and this Legislature seems to pride itself, in its fiscal conservativeness regarding the state budget—that this is going in exactly the opposite direction; it would have an inverse impact on our revenue collection in the future and not have a tremendous benefit by defining lands as specifically as could be defined. Therefore, I would urge my colleagues to really consider the physical impact. It’s a laudable gesture but there are better and more cost-effective ways to achieve the same goal. Therefore, I would urge my colleagues to vote no on the override.”

Senator Baker rose in support of the override and said:

“Thank you, Madam President. I rise in support of the veto override of this measure and I believe that we are overriding a veto on the Conference Draft 2 and not Conference Draft 1 of this measure? Senate Bill 2198.”

At 3:48 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:48 p.m.

The Chair said:

“Members, we are dealing with S.B. No. 2198, C.D. 2 and I will accept the comments of Senator Hemmings as they were made against S.B. No. 2198, C.D. 2 override. Senator Baker, please continue.”

Senator Baker rose in support of the override as follows:

“Thank you Madam President, I rise in support of the override of this measure.

“Madam President, Colleagues, we’ve talked a lot this Regular Session of ‘08 about preserving important ag lands, about preserving important areas in our state because of their significance, whether culturally, or environmentally, or because we want to maintain open space. This measure is a modest way of ensuring that some of our lands stay in open space, stay in conservation, say in a form that will be preserved for future generations to enjoy. Yes, we are facing tough economic times, but this is not the time to retrench from a policy that would have us looking forward in a very modest amount to make sure that some of our lands can be part of our conservation inventory. So I urge my colleagues to vote with me to override this veto.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2198, S.D. 2, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LAND CONSERVATION,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2262, S.D. 1, H.D. 2, C.D. 2:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2262, S.D. 1, H.D. 2, C.D. 2, as contained in Gov. Msg. No. 874, seconded by Senator Ige.

Senator Slom rose in opposition of the override and said:

“Madam President, I rise in opposition to overturning the veto.

“The whole idea with this VEBA Trust was to see how it worked during a pilot period and in comparison with the State’s EUTF. I think we’ve seen both. While there is not additional general criticism to the VEBA, I think the important part here is that the State’s EUTF has worked quite well, actually above expectations, and this was something that had been asked for and requested by the legislative auditor. And I think we further weaken the EUTF by extending this VEBA trust. Thank you.”

Senator Hemmings rose in opposition of the override and said:

“Thank you Madam President and colleagues, I rise to speak against this override.

“I personally had supported in prior legislative initiatives, giving the HSTA the benefit of the doubt on their exemption from the VEBA Trust, and they have had the time to prove their point—which they have not done. In the meantime, as the previous speaker has pointed out, the EUTF has done an excellent job and I believe that HSTA must comply and come into compliance with what everybody else is doing in order to enhance the system. This override is imprudent this time and singles out a special group for special treatment. They’ve had their day in court, now’s the time to have them comply along with everybody else in the state. Thank you, Madam President.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2262, S.D. 1, H.D. 2, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Kokubun, Slom). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2263, S.D. 2, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2263, S.D. 2, H.D. 1, as contained in Gov. Msg. No. 875, seconded by Senator Ige.

Senator Hemmings rose in opposition to the override and said:

“Madam President, I rise in objection to the motion.

“I’m wondering if the Majority party, in their haste to go through this procedure, has read any of the veto messages. The executive branch of government does an excellent job of sometimes covering our ‘okoles, so to speak, and ferreting out points that don’t necessarily come to our hearing process. This bill is objectionable for three reasons. It would hinder the University’s ability to negotiate terms, including salaries of employees and contracts. Under public records law, the Uniform Information Practice Act, the disclosure of proposed salaries of executive or managerial employees of the University of Hawai‘i is not sufficient public interest to warrant the invasion of privacy—something that we, in other areas, claim to be protecting so much. And second, the transparency is already provided. And finally—something we’ve learned from prior committee chairmen’s efforts—this bill oversteps the protection provided by Article X of the State Constitution, which grants the Board of Regents exclusive jurisdiction over the internal organization and management of the University.

“It all makes sense and we’re contradicting ourselves when we do these things. What’s even more problematic is—and I want to go on record with this now rather than later, Madam President—in our haste to conduct the public’s business, I think we’re working against the public’s interest. Obviously, people haven’t read these veto override messages. As soon as I got them, I tried to scurry through them as quickly as I possibly could in order to make an informed decision. And I think if we’re making the best decision for the University of Hawai‘i and the best decision in a number of these other motions, they wouldn’t be in lock step partisan manner; you’d make independent decisions. But that’s for you to determine. I, for one, want to do what’s best for the University, which is on its way to great things despite legislation like this. I’d urge my colleagues to please consider who we’re here for, and it’s not simply for political purposes—it’s to do what’s right and fair for those people who send us here and pay our salaries. And I might suggest, since this is such an important thing, that we maybe have a recess or take a deep breath and read those veto messages so we know what we’re dealing with here. Thank you, Madam President.”

Senator Sakamoto rose in support of the override and said:

“Madam President, I rise to speak in favor of the motion.

“And in response to the previous speaker, we have, well I have read, the veto messages in the time the Governor has sent them down, and many of the objections were brought up in testimony in our hearings and one of the reasons for the bill is, in part, to respond to some of the parts mentioned. And if indeed everything is transparent already then people wouldn’t be proponents of the measure. But bottom line, we all care about the University and issues like this do rise to statewide concern. Therefore, when issues rise to the statewide concern, such as compensation, perhaps of hundreds of employees that are getting very highly compensated—people should know before the final vote is taken and some of the information that should rightly be disclosed prior to a final vote. Thank you very much.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2263, S.D. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” was overridden by not less than

two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2334, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2334, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 876, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2334, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2341, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2341, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 877, seconded by Senator Ige.

Senator Hemmings rose in opposition of the override and said:

“Thank you, Madam President. I rise to speak against the motion to override the Governor’s veto on Senate Bill 2341.

“Once again, Madam President, this is nonsensical when it come to fairness and good, prudent management of the State’s resources. Currently, there are literally 2,300 plus inmates located in out-of-state facilities that are being housed and cared for very cost-effectively in the states of the facilities. This bill would cause hardship on the companies that are doing this public work at a competitive price and put a further financial burden if—worst case scenario—companies would not want to bid to house our prisoners and comply with Chapter 92F, as this bill would require. It could require those prisoners be brought back to Hawai‘i and have a huge economic impact on the State of Hawai‘i. I believe that it is fiscally imprudent to do this and really is a harassment of the private sector at the great cost to the public taxpayers. I also believe that some of the prisoners’ futures might be better served by some of these institutions that seem to be doing a better job than the State can in these areas. Therefore, if this Legislature is really doing what’s best for the taxpayers and best for the prisoners, we wouldn’t be doing this. So I’d urge my colleagues to vote for what’s right rather than what is politically convenient, and that would be a ‘no’ vote. Thank you, Madam President.”

Senator Espero rose in support of override and said:

“Thank you, Madam President. I’d like to rise in support of this measure.

“We’re sending \$51 million dollars a year to the mainland to care for over two thousand prisoners. This measure is just about having the knowledge to make certain that these funds are being spent properly. It’s about transparency and public information. She mentions that no other contractors are required to do this. We have no other contractor where we’re spending \$51 million dollars to care for over two thousand residents on the mainland. Thank you, Madam President.”

Senator Hemmings rose in rebuttal and said:

“I rise in rebuttal to the previous comments, Madam President.

"I think the record should note that we're paying \$51 million dollars to have mainland companies care for incarcerated—I would like the chairman of the committee that addressed this issue of this nature to possibly tell us how much it would cost the taxpayers of Hawai'i to build prisons and house those prisoners here. I would suggest it would cost hundreds of millions, so we're really getting great cost-effective management of this program through what we're doing now. Until we have that information, maybe we shouldn't pass this bill; maybe we should find out how much it would cost to bring 2,300 prisoners back to Hawai'i. How much would it cost to build prison space for 2,300 plus prisoners? How much would it cost to staff prisons with public workers who make generous salaries and have incredible fringe benefits to protect the public from 2,300 prisoners? So, when we have the answers to those questions and the cost implications, we could make a better decision. This is fiscally imprudent to do at this time. Thank you, Madam President."

Senator Espero rose in rebuttal and said:

"Thank you, Madam President. Briefly, this measure in no way asks that these individuals be returned or that we spend hundreds of millions of dollars in facilities. This measure just has to deal with transparency and allowing the public to know how our funds are being spent. It has to deal with Chapter 92F, Freedom of Information Act, within the state HRS. Thank you, Madam President."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2341, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 878, seconded by Senator Ige.

Senator Hemmings rose in opposition of the override and said:

"Thank you, Madam President, for the recognition. I rise to speak against this override attempt of Senate Bill 2546.

"Madam President, for the purposes of my colleagues, I'd like to read into the record a portion of the override message so that we get a clear look at what the Governor's thinking was in vetoing this legislation: 'The bill is objectionable because the Legislature continues to mandate all aspects of offender reentry without consideration for the feasibility, practicality, and fairness of implementing such programs and services. As an example, Senate Bill No. 2546 requires the Department of Public Safety to implement a quarterly rotation system to return out-of-state inmates with less than one year to serve while transporting inmates with longer sentences to the mainland. The provision does not make any distinction or provide priority for inmates who may benefit most from returning to Hawai'i.' It goes on to delineate another reason, but it's important to look at the conclusion paragraph, and it says, 'It is important that the Department of Public Safety be allowed to make its own judgments on how offender reentry can best be implemented to ensure the welfare of the inmates and protect the public.'

"So in short, this bill is setting up a reentry program that's more or less cookie-cutter, that does not allow for the discretions necessary to do what's best for the inmate and, more

importantly, protect the public and send a message that just because you're coming back soon you're going to get on the fast lane home, the express lane home, without any consideration to other factors that may have a bearing on your ability to get here in a safe and sane way. Once again, it's a knee-jerk reaction to a problem that doesn't exist. So I'd urge my colleagues to vote 'no.' "

Senator Espero rose in support of the override and said:

"Thank you, Madam President; I'd like to rise in support of this measure.

"First of all, I would like to begin that I am working on a couple measures for next session that have to do with victims' bill of rights, and I would expect that the children as well as adults would be included in that. Regarding this measure, we are not necessarily just singling out these individuals. Victims also have services and organizations and individuals helping them, but this is a group of youth who are five to six times more likely to commit crimes and to be incarcerated. It is an at-risk group. This measure has to do with prevention and trying to steer these children away from a life of crime and giving them the services and the attention that they need to be productive members of our society. Thank you, Madam President."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2345, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2434, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2434, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 879, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2434, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 880, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2542, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2546, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2546, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 881, seconded by Senator Ige.

Senator Hemmings rose in opposition of the override and said:

“Thank you, Madam President, for the recognition. I rise to speak against this override attempt of Senate Bill 2546.

“Madam President, for the purposes of my colleagues, I’d like to read into the record a portion of the override message so that we get a clear look at what the Governor’s thinking in vetoing this legislation: ‘The bill is objectionable because the Legislature continues to mandate all aspects of offender reentry without consideration for the feasibility, practicality, and fairness of implementing such programs and services. As an example, Senate Bill No. 2546 requires the Department of Public Safety to implement a quarterly rotation system to return out-of-state inmates with less than one year to serve while transporting inmates with longer sentences to the mainland. The provision does not make any distinction or provide priority for inmates who may benefit most from returning to Hawaii.’ It goes on to delineate another reason, but it’s important to look at the conclusion paragraph, and it says, ‘It is important that the Department of Public Safety be allowed to make its own judgments on how offender reentry can best be implemented to ensure the welfare of the inmates and protect the public.’

“So in short, this bill is setting up a reentry program that’s more or less cookie-cutter, that does not allow for the discretions necessary to do what’s best for the inmate and, more importantly, protect the public and send a message that just because you’re coming back soon you’re going to get on the fast lane home, the express lane home, without any consideration to other factors that may have a bearing on your ability to get here in a safe and sane way. Once again, it’s a knee-jerk reaction to a problem that doesn’t exist. So I’d urge my colleagues to vote no.”

Senator Espero rose in support of the override and said:

“Thank you, Madam President. I’d like to rise in support of this measure—the final public safety measure, I hope.

“Her message does mention the bill is objectionable ‘because the Legislature continues to mandate all aspects of offender reentry.’ The reason why the Legislature continues to do what we’re doing these last two years is because the current administration has done virtually zero in its last five years within our prison system and dealing with reentry. And this measure does not give anybody a free pass out or get them out or released early. This has to do with a new way of looking at how we will deal with our prisoners, our inmates. And we certainly respectfully disagree with the Governor and the direction she has been going. The Department of Public Safety has had much latitude to deal with this; we are working with them, and there will be a few times we will disagree. Thank you, Madam President.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2546, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OFFENDER REENTRY,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2644, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2644, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 882, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2663, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 883, seconded by Senator Ige.

Senator Hemmings rose in opposition to the override and said:

“Thank you, Madam President. I rise to speak against the motion to override the Governor’s very intelligent veto of this bill.

“Thank you, Madam President. This has been an issue that has long been contentious regarding the Teachers Standards Board. It’s absolutely amazing that Hawai’i has such strict standards that it does not allow a former teacher, for instance at West Point, to teach in our schools here. And that simply is because the public employees union, HSTA, controls this Teachers Standards Board; so much so that their minions here in the Legislature pre-empted the Governor from nominating people into advice and consent process that came from parent-teacher associations, charter schools and other organizations that are not under the stranglehold control of a public employees union – in this particular case, HSTA. Well, what you see is what you get, and everybody knows what we get with the public education system in the State of Hawai’i: \$2.4 billion dollars, people are fleeing it as fast as they can afford to, which oftentimes the poor can’t afford to go to other schools. Charter school enrollment is up. Charter schools cannot necessarily have a voice in teacher standards, but the HSTA union does, and they’re going to keep the money coming no matter how bad their product is. By most standards, the record should reflect as it does, that Hawai’i consistently ranks as one of the worst public education systems in the nation.

“And so what we’re doing with this legislation is codifying the practice we’ve had for a number of years of putting the foxes in control of the door to the hen house. So whose interests are we serving? Are we serving the interests of the children that we’re spending \$2.4 billion dollars a year on, and giving them less in their education? Are we serving the interests of the parents who work sometimes two jobs per household—most of the time two jobs per household—so they can afford to send their children to an institution other than a public one, including, quite ironically, a great number of teachers who have and have sent in the past their children to private schools? I don’t think so. This bill is nonsensical. We want the best people possible from all walks of the education process to set standards that are going to allow teachers to come to Hawai’i and become an accredited teacher in our public education system so they can help the kids, not be the voice of one special interest group like a labor union. This bill is not, overriding this bill is not in the interest of the children of Hawai’i and the public education system; rather it’s the interest of one particular union and their continued domination along with the troublesome DOE-BOE hierarchy that continues to spend more and do less when it comes to public education. I challenge anybody on this floor to graph out the incredible increase in spending in public education and overlay it with the results as far as standardized testing goes. You will see that education expenditures are going through the ceiling and the

product remains static. This bill is not going to help; it's going to hurt. Thank you, Madam President."

Senator Sakamoto rose in support of the override and said:

"Madam President, I rise in support of the override.

"This bill, in part, is to clarify language. The original language said that nominees to the Standards Board, in part, can be from organizations representative of constituencies of the Board. Basically the previous speaker talked about foxes guarding the hen house—I think the hens and the roosters need to have more control over their hen house than foxes and other people, or other animals. But in essence, this isn't an exercise about the education as the quality of teachers and teachers representing public school teachers, or the public school administrators, or any state chapter of a national professional organization that represents teachers or school administrators, as well as the Hawai'i Association of Independent Schools for private school teachers. They will be able to submit lists for nominees, and I think that's an appropriate group to do that."

Senator Hemmings rose in rebuttal and said:

"Madam President, I rise in rebuttal.

"Thank you, Madam President. I'm sorry; the previous speaker didn't understand my metaphor. I would further suggest that what I said is exactly right and I didn't hear a contradiction of it in the previous speaker. But for those of you who are on the neighbor islands, you may wish to consider this because the Governor, in her very well thought out and written veto message, says further: 'This bill requires that the composition of the membership of the Board be proportionate to the teachers and administrators who work on each island. Currently, thirty-one percent of the Teacher Standards Board members represent neighbor islands, and [the Governor] has worked hard to nominate persons representing all islands, including [that wonderful island of] Lanai and [the workers' paradise,] Molokai. This bill would make the Board more Oahu-centric, thus decreasing the important voice of teachers who work in rural locations or deal with non-urban school challenges.' So once again, this bill would hurt the neighbor islands and smaller rural schools and would further do exactly what's wrong with the public education system—the over centralization of the process by a bloated, huge, money-gobbling bureaucracy on Oahu.

"So for you neighbor islanders, think twice about this. You're dealing yourself out of the game; and with some other legislation we might be considering, you might even be dealing your schools out of the game. So are you going to do what's best for the neighbor island schools or are you going to do what's best for the Teacher Standards Board to make sure they have their cabal of teachers all certified by themselves—the wolves, I might add, not the chickens. Thank you, Madam President."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2668, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2668, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 884, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 885, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2803, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 886, seconded by Senator Ige.

Senator Hemmings rose in opposition to the override and said:

"Madam President, I rise to speak against the motion.

"Thank you, Madam President. In speaking against 2824, the motion to override the veto, I would hope especially my colleagues from the neighbor islands to read the third paragraph of the message objecting, or vetoing this legislation. 'This bill is objectionable because by removing the voting rights of the Comptroller and the county employee who sits as members of the State Procurement Policy Board, this bill denies the State and county government from fully participating in the decisions of the Board and deprives the State and county government of full representation. The other five members of the Board are specifically designated by law not to be full-time State or county employees, which of course gives the...'—I'm adding this parenthetically, by the way—'which of course gives the general public a voice in the process, provided that one member must be a certified professional in the field of procurement.' So in short, what you neighbor islanders are doing is dealing your constituents out of the ball game; but you guys all walk in and vote in lock step so vote what you're going to do. I'm voting 'no.' "

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2824, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2827, S.D. 1, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2827, S.D. 1, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 887, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2827, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2830, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2830, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 863, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2830, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2840, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2840, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 888, seconded by Senator Ige.

Senator Hemmings rose in support of the override and said:

"Madam President, I rise to speak in favor of the motion.

"You know this bill may be very prophetic because it deals with what is something that is implemented already on a national basis regarding self-sufficiency and guidelines for poverty and measurements of poverty as related to income across the nation. But this bill may be very much needed in Hawai'i since we are developing at a rapid pace because of the policies coming out of this Legislature: A third world economy dependent on one business, incredibly dependent on tourism; and further, after forty years of one-party rule at this Legislature, increasingly dependent on fossil fuels to the point that we're a state at most risk for economic hardship. It might make sense that we have to have special rules separate from the federal government for self-sufficiency because the statistics are—with this onerous economy that is partially created by the policies of this State Legislature—there is no business opportunity here, poverty is growing, and we're the state most at-risk under current worldwide economic conditions because of our own inability to address the economic challenges, the energy challenges, or more importantly, to capitalize on the business opportunities that most other enlightened environments do. So I agree with the bill. Override this veto; Hawai'i definitely needs to have our own standards. Thank you, Madam President."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2840, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SELF-SUFFICIENCY," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate

override the veto of S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1, as contained in Gov. Msg. No. 889, seconded by Senator Ige.

Senator Slom rose in opposition to the override and said:

"Yes, thank you, Madam President. I rise against the override.

"This is a nasty bill. This is a tax bill parading as recycling. It is proposed to provide a tax or a cost against electronic recyclers. It is vague. It is not clear as to all kinds of electronic devices. It sets up a panel to decide what kind of devices and also how it's going to work, but we're setting up the tax mechanism in a special fund before we have the details. And one thing is not vague at all: it will be an additional cost to Hawai'i's consumers. Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2843, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC DEVICE RECYCLING," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2867, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2867, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 890, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 891, seconded by Senator Ige.

At 4:46 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 4:47 p.m.

Senator Hemmings rose in opposition to the override and said:

"Thank you, Madam President. I beg your indulgence. I rise once again to speak against the motion to override the Governor's veto.

"This probably could be, and let me use the metaphor again, the 800 pound gorilla in the public education system. This is the first step towards having the State DOE take over early education—profoundly foolish, profoundly foolish. We all support various means of early education opportunities. This bill would put the DOE in the driver's seat of early education development. This is the same DOE that is doing such a wonderful job—and I am being rather sarcastic in this statement—with our current education system, our expensive public education system that seems to be failing miserably, and now we want to put our children in the dominion of it.

“The veto message also points out something that is very problematic: ‘The powers vested’ and I am quoting, ‘the powers vested in this Council could adversely impact the ability of the Department of Human Services to license, fund, regulate, and terminate early childhood education programs as provided for in Chapter 346.’ In other words, this bill would be a huge step in putting all the many diverse opportunities for early education that are provided cost-effectively by the private sector in the public dominion. So that comes to problem number two for a state whose fiscal conservatives in the Majority party of the Legislature said that they were cutting spending because we want to be fiscally conservative. ‘Cost models prepared by the Act 259 task force projected full implementation of a Keiki First Steps program for four-year old children in the range of \$144 million to \$170 million.’ And that’s just for Keiki First.

“So if we go down the road—which this bill is taking us down—to having the State take over early childhood education, we’re imperiling the very education of our kids via a failing institution—the DOE. It’s going to cost us hundreds of millions of dollars that which we just don’t have. So I’d urge my colleagues to think this over. This is a good veto. Let’s do all we can to empower the many early childhood education opportunities presented by the many providers of early childhood education in the market of a free enterprise system rather than socialistic, one-size-fits-all, failing public education system. I’d urge my colleagues to vote against the motion to veto override this legislation.”

Senator Sakamoto rose in support of the override and said:

“Madam President, I rise in support of the measure.

“In the Governor’s veto message, one of the sentences says, ‘I propose to establish an Early Childhood Education Council via an executive order to continue the work of the Act 259 task force.’ That statement itself refutes much of the previous speaker’s concerns, fears and imagination; if indeed the Governor says she will continue the task force, which is what this bill would do—but this bill wouldn’t do it via executive order. I believe the people in the task force have effectively formed a public-private partnership opportunity and indeed, if we’re going to have three- and four-year olds turn into 800 hundred pound gorillas filling our prisons, adding to our welfare rolls; that may be one end in sight, but certainly we don’t want that. We want the best opportunity to work together including the state agencies and public/private providers to do the best we can and I believe this is an opportunity that needs to go forward. Thank you very much.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2878, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EARLY LEARNING,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1, as contained in Gov. Msg. No. 854, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2915, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TARO,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 892, seconded by Senator Ige.

Senator Slom rose in opposition to the override and said:

“Thank you, Madam President. I rise in opposition to overriding the Governor’s veto.

“Over the last couple of weeks, people have called me and they asked me why did I vote against this bill—seemingly a bill for alternative energy, a bill for giving people the right to use clotheslines instead of electric or gas dryers. I have no stock in electric or gas dryers. I have nothing against those that want to use a clothesline, even if they want their bibidees and others flagging in the breeze. What I do have a problem with, however, is the government involving itself in private contracts and private agreements where people have made agreements. What this bill does is interfere with private covenants, where people, prior to moving in, were given a list of things that they could or could not do for the aesthetics, the real property values and other considerations of the area. They were asked if they had read, if they understood and if they agreed to those terms. Now many of them would cause several of us not to move into such an area because we would find that they would be too much against our individual rights or choice. But the fact of the matter is having a legal contract and having people agree to that is something that state legislatures should not avail itself of. And those of you today that hail this as a great freedom—to interfere with this contract—may be singing a different tune later on on some other contractual arrangement, and that is really what this issue is about. It’s not about clotheslines, it’s not about alternative energy, it’s about another big fist of government interfering with private choice. Thank you.”

Senator Espero rose to speak in favor of the override and said:

“Madam President, I’d like to rise in support of this measure.

“Thank you, Madam President. The reality of these contracts between residents and new homeowners is that the contracts—what they call DCC and Rs, Declaration of Covenants and Conditions and Restrictions, something to that effect—is that developers create these prior to homeowners purchasing and buying. And homeowners or residents are not asked in advance. So for instance, when Mililani was created, when Kapolei was created, when Ewa By Gentry was created, when Ocean Pointe Haseko was created, when Ho’opili in West Oahu was created, and other communities throughout the State are created as planned community associations, they do not ask the residents, ‘What do you want in these DCC and Rs – Declaration of Conditions and Covenant Restrictions?’ (There, I got it). So, most homeowners buy into these not reading an inch worth of DCC and Rs, and it’s not going to stop an individual from purchasing a home where more than likely the majority of the affordable homes built in our state today are in planned community developments and associations. So it’s not as if a homeowner had a choice in what those DCC and Rs are. These are what’s being built today, this is what available to the homeowners, and this measure does bring a little sense and reason in terms of drying clothes using the sun and the wind. Thank you.”

Senator English rose in support of the override and stated:

“Madam President, I rise in support of the measure, the override.

"Members, this is the "right-to-dry" bill and with all of the talk about our high energy cost and the use of solar energy in Hawaii, this is the great combination of that, right? If you look at it, we're saying we just mandated that all new homes be built with solar systems placed into the homes, and now we're saying let's use the sun to dry clothes. We live in a different time, a time when the price of energy has gone way up and it's going to go even higher than it is now. The appliance that uses the most amount of energy in any home is first the freezers and refrigerators and then the dryer. So if we allow people to simply dry clothes outside, like many of our families used to, we should save a good amount of energy doing that. So I ask for your support in the override of this veto so that we can use the solar energy to dry our clothes. Thank you."

Senator Slom rose in rebuttal and said:

"Yes Madam President, just a brief rebuttal.

"The comments that were made about the covenants being designed by the developers is absolutely true, and the fact that there are a lot of planned unit developments—that's true too. But there are also non-planned unit developments, and again, an individual has a choice before signing that or any other contract—has a choice as to what he or she does. The other thing is all of these organizations or associations have group membership and associations, and if in fact this or any other issue were of that importance, it would be voted upon by the members of the association. I don't recall people actually coming here to the Legislature from any of these associations other than special interest groups who were lobbying for this. If we had a great demand from people in the streets saying, 'We want the right to dry. We re-read the Constitution and it does say in there that we have a right to dry along with our other rights.' But we didn't see that, we saw special interest groups. So we have two things here: you had people who had a choice, first of all, whether to go into that kind of development or not, knowing full well what those and other covenants were about; and secondly you have the homeowner's associations that have every right and responsibility to bring up changes to those original covenants, which many associations have done in many other areas. Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 2933, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSEHOLD ENERGY DEMAND," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Inouye, Whalen).

S.B. No. 3252, S.D. 2, H.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of S.B. No. 3252, S.D. 2, H.D. 2, C.D. 1, as contained in Gov. Msg. No. 893, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of S.B. No. 3252, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 1412, H.D. 1, S.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate

override the veto of H.B. No. 1412, H.D. 1, S.D. 1, C.D. 1, as contained in Gov. Msg. No. 894, seconded by Senator Ige.

Senator Hemmings rose in opposition to the override and said:

"Madam President, I rise to urge my colleagues to vote, I'm rising to speak against the motion Madam President.

"Thank you. I urge my colleagues to give a second thought on this legislation. It's well-intended and we all want to have the Department of Taxation to eventually get computers to enhance their ability to collect money from people who have not paid. But the facts are that this tax director, Kurt Kawafuchi, has done an incredible job of collecting back taxes and uncollected funds from people. This bill's time may come but the time is not now. It expedites it, but it's really going to put the Department, according to the veto message, at a great disadvantage in doing what it's already doing so well—collecting back taxes—because they're going to have to spend a lot of time and energy complying with this bill. Therefore, I'd urge my colleagues to put this on hold so that we can work constructively with the executive branch of government and fashion legislation that can be implemented cost-effectively and to the benefit of the Department and the taxpayers of Hawai'i. This bill does not do it, so I would urge us to vote to sustain the veto by voting 'no' against the override motion."

Senator Fukunaga rose to speak in favor of the override and stated:

"Madam President, I rise to speak in favor of the override of this measure.

"Just a couple of rebuttal comments to the Minority Leader, who has talked about the great work that Director Kawafuchi has already done in streamlining and implementing new initiatives in the Department of Taxation. This bill was Director Kawafuchi's top priority this session, and unfortunately—although he continued to make a very strong case for adoption of this measure—unfortunately some of the legal challenges that had been found in the bill are being permitted to override the many good features of the bill that will make tax collections and payments much easier for consumers. As such, I believe Director Kawafuchi would prefer that the Legislature override this measure. Thank you very much."

Senator Hemmings rose in rebuttal and said:

"Madam President, I rise in rebuttal.

"As much of a fan I am of the head of the Department of Taxation Kurt Kawafuchi, the last I checked he was not the Governor. This bill was vetoed by the Governor, and I'm sure that the Governor in her wisdom, certainly consulted with Kurt Kawafuchi. 'The bill fails to provide sufficient time for the Department of Taxation to execute performance-based contracts by artificially establishing an October 1, 2008 deadline to do so.' October first, it's an awfully short amount of time to do what this bill mandates. 'It is not clear whether the contracts must be fully performed by this deadline or simply fully signed by the Department.' It's important to note the last paragraph, and I think if we could work constructively together we could do something that benefits people rather than just making decisions on partisan basis. I'd like to read into the record: 'The Administration is pleased with the excellent work the Department of Taxation has undertaken to implement more effective tax collections and ensure aggressive collection of delinquent taxes. This bill would divert important department resources to a project that has not been realistically defined in this legislation and could adversely impact the current efforts of the State Tax Department.' So, though Kurt Kawafuchi may have supported the concept, the head of the executive branch of government believes that we should take more time to allow it

to be implemented. Therefore, it would be imprudent to try to ram it down their throats at this point. Therefore, I ask my colleagues to do what's good for the Department and the taxpayers of Hawai'i and vote to sustain this veto by voting 'no' on the motion."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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 overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2085, H.D. 1, S.D. 2:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2085, H.D. 1, S.D. 2, as contained in Gov. Msg. No. 895, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2085, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2238, H.D. 1, S.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2238, H.D. 1, S.D. 1, as contained in Gov. Msg. No. 896, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2238, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2250, H.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2250, H.D. 1, as contained in Gov. Msg. No. 897, seconded by Senator Ige.

Senator Slom rose in opposition to the override and said:

"Thank you, Madam President. I rise in opposition to the veto override.

"This is a bad bill; it's a very bad bill. Forty-eight of the other forty-nine states have chosen not to try to re-regulate airlines. The lone exception is Alaska; they did get a federal exception to do that. I understand though that the people in Alaska are still the beneficiaries of revenues from oil production and from other wealth. We're in a situation where we are in a declining economy. A major problem that we have is island, inter-island and intra-island transportation. This bill is not going to help provide more seats to Hawaii. It's not going to help us provide more competition in the inter-island trade. It is not going to provide any additional reduction in fares. This

bill is special legislation. It helps one particular airline. It is a bill that its time has not come back and will not solve any of the perceived problems that we have. I really question where the bill came from. I think that it is time after several months after the bill had been passed for us to really take a look at this and to say no to this bill. And further, Madam President, I would ask, invite and welcome the four members of this body that took a free trip during the Legislative session on Hawaiian Airlines while this bill was being debated and while this special interest legislation was being passed if they would like to voluntarily recuse themselves from an obvious conflict of interest on this bill. Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2250, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2531, H.D. 1, S.D. 2, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2531, H.D. 1, S.D. 2, C.D. 1, as contained in Gov. Msg. No. 858, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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 overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

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

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2675, H.D. 2, S.D. 1, as contained in Gov. Msg. No. 901, seconded by Senator Ige.

Senator Hemmings rose in opposition to the override and said:

"Madam President, I rise against the motion to override the Governor's veto.

"This is a 'Cheech and Chong' bill. I can't believe it. The task force required to study whether current law affords an adequate supply of medical marijuana; whether it is feasible to establish marijuana growing facilities on each island; and whether inter-island marijuana transport can be made possible for traveling patients. There's no denying that marijuana or its extract can provide relief to people suffering with certain painful ailments, but it's absolutely amazing that most of the drugs administered in the medical profession go through a long and very tedious national process that cost years and years to get approval and hundreds of millions, if not billions of dollars, for the FDA. I don't know how marijuana has been exempted from this, but here in Hawai'i we do have criminal laws that prevent consumption of marijuana for recreational use and this bill will certainly fly in the face of those laws and make it virtually impossible to enforce them. So I would ask that the Legislature really consider doing something that would comply with the Federal Drug Administration's management of resources like this, and also complies with or at least complements our desire to keep marijuana out of the hands of young people and people that are using it for financial gain.

This bill does not do that and therefore I'd urge my colleagues to vote against the motion to override the veto."

Senator Slom rose in support the override and said:

"Thank you, Madam President. I rise in support of the override.

"Many years ago on this floor we had one of the longest and most interesting debates, and it was on the allowance for medical marijuana. The final vote on that bill was thirteen to twelve in favor; I voted in favor of it. As the previous speaker said, there is a recognized definition for medical marijuana and there certainly is a difference between those who have suffered pain versus recreational users. I recall that after we passed the bill there was a test plot established up on the North Shore. I think it was guarded day and night, twenty-four hours a day. It had very good security—much better than the Homeland Security—there were no invasions of that little plot. And yet, the federal government informed us that the State did not have the right to pass that legislation; that in fact anyone that was utilizing the specifics of our law—being allowed to grow for medicinal use or to be prescribed for medicinal use—could still be subject to federal arrest and prosecution. And, as a matter of fact, that has been the state of the law for many years. This bill, again, separates out the difference between those who use this particular product for medical uses versus recreational, and in fact is looking to study via a task force. We pass dozens and dozens and dozens of task forces during a legislative session, and I think that one way or the other we should resolve this issue, but it should be resolved as the basis of the law that this Legislature and this Senate passed years ago in favor of those people that are in desperate need of pain relaxation. Thank you."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2675, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2704, H.D. 2, S.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2704, H.D. 2, S.D. 1, C.D. 1, as contained in Gov. Msg. No. 902, seconded by Senator Ige.

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of 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 overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1:

In accordance with Article III, Section 17, of the Hawaii State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, as contained in Gov. Msg. No. 903, seconded by Senator Ige.

Senator Hemmings rose against the motion and stated:

"Madam President, Madam President, I rise to speak against the motion to override the Governor's veto.

"Madam President, it's always easy to come to the floor as a senator and a caring organization and sound compassionate for

people, but realistically, this bill is too much and we can't afford it and it's going to detract from many other areas. The State of Hawai'i and the nation for that matter are suffering under the weight of the inability to pay for federally-mandated health care programs. As we well know, doctors are actually leaving practice here in Hawai'i because of the under-funding of some of the reimbursements through federal programs. This bill would extend post-partum and intercontraception care from eight weeks to a minimum of six months and require the Department to report to the Legislature when it receives its response. Incredible, because it might be mandating care that is just totally unnecessary and takes away the flexibility; and trust me, when you have an open spigot like this, there will be people that will exploit it. It sounds very compassionate, but unfortunately it's not very realistic and it may deter and take money from necessary programs to aid people that generally need care. That money would be spent on this. So I would urge my colleagues to spend our healthcare dollars wisely and this is not a wise investment, though it sounds good. I'd urge my colleagues to vote 'no.' "

Senator Baker rose in support of the override and said:

"Thank you, Madam President. I rise in support of the veto override.

"Madam President, I would note for my colleagues that the federal government would cover over fifty percent of the cost of this program with an approved Medicaid waiver. And I'd also note that there are clearly costs of us not doing this in excess of the cost to our program. Clearly, if you help a pregnant woman through her pregnancy with good nutrition, good prenatal care, you have a much more successful outcome. And the statistics unfortunately show that often times, when you have a woman in this particular situation that the second child comes right after. So it behooves us to try to make sure that we take care of the mom and the baby and the second child that may be conceived shortly thereafter. I'm appalled quite frankly at what I'm hearing from the other side of the aisle today. It seems to be that we've lost our concern for those less fortunate. It seems that we've lost our concern for doing what's right and our looking at – I'm not certain at what view of – the world; but I certainly hope that my colleagues will take this step. We've had an opportunity to have keiki care and make sure that all of our children have an opportunity to have health insurance. This takes a very vulnerable population and ensures that we can give them a healthy start, which will save the State lots of money down the line. Thank you."

Senator Hemmings rose in rebuttal and stated:

"Madam President, I rise in rebuttal of the previous speaker's comments.

"I'm quite frankly appalled too at the problems encountered by the less fortunate in our state: The working poor who are taxed the highest in the nation by the State of Hawai'i, the sick who are taxed for being sick, the hungry who are taxed for being hungry. And I'm quite amazed that that issue will be played in response to my concerns about this legislation. I'm afraid the Majority party's quest for dominion over compassion is contradicted quite extraordinarily and overtly by the policies they enact against the poor. I'd like to read, once again, into the record part of the veto message by a very compassionate woman, the Governor of the State of Hawai'i: 'Women enrolled in the State's QUEST program already receive approximately two months of post-partum and intercontraception care after pregnancy ends.' Contrary to the previous speaker's statements, 'Any expansion of these benefits will require prior approval from the federal Centers for Medicare and Medicaid Services and, if approved, the appropriation of State funds,' not just federal funds. 'Adding expanded services to the QUEST program will increase overall

costs. It would not be prudent to seek an expansion of this program given recent Council on Revenues' economic projections and existing budget restrictions.' In short, we have adequate care available. This expansion would be a huge economic impact that not necessarily would be approved or funded by the federal government, contrary to the previous speaker's statements. What we really have to do is, rather than funding dependency, is be funding independence and allow women to gain access to control their own destiny regarding reproductive rights and gain the ability and responsibility to care for themselves rather than saying, 'Just keep having babies because the government's going to take care of you.' That sounds compassionate but it does not and will not work, and this bill is a step in the wrong direction. Thank you, Madam President."

Senator Hooser rose in support of the override and said:

"Madam President, I rise in support of the motion—brief remarks.

"Madam President, the previous speaker's not the only one appalled at the conversations going on today. And I frankly am appalled at the hypocrisy voiced by the previous speaker in opposition to this bill. I want to make clear for the record that the previous speaker—in fact, all members of this chamber, I believe—voted in support of this measure when it was last heard before us. And to stand up today and talk in the manner in which the discussion was going is just appalling to me and is just a statement of hypocrisy. Over and over again we've been hearing, 'This is a majority, this is partisanship.' I would say again for the record that the vast majority of these bills that we voted on today have had bipartisan support, not every single one, but the vast majority have had support from Minority members and then in many times unanimous support. And so, for the record, I urge my colleagues to vote in support of the override. Thank you, Madam President."

Senator Trimble rose in support of the override and said:

"Madam President, I too am appalled at the statement made by the Chair of Ways and Means.

President Hanabusa interjected:

"Senator Trimble, for what purpose do you rise?"

Senator Trimble replied:

"I'm not quite sure yet."

The President stated:

"Senator Trimble, you must state your purpose. Are you rising to speak for or against the motion?"

Senator Trimble replied:

"Well, I intend to vote yes, but I was appalled that she would rise and say that she was appalled at the comments coming from the other side of the aisle. I don't understand which aisle to which she was referring because up until this moment I had not risen. And so with that, I thank you, and I will vote for the measure."

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2761, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WOMEN'S HEALTH," was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Inouye, Whalen).

At 5:35 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 5:41 p.m.

H.B. No. 2843, H.D. 2, S.D. 2, C.D. 1:

The Chair noted:

"There is, on your agenda, an incorrect reference—'electronic device recycling.'"

In accordance with Article III, Section 17, of the Hawai'i State Constitution, Senator Hooser moved that the Senate override the veto of H.B. No. 2843, H.D. 2, S.D. 2, C.D. 1, as contained in Gov. Msg. No. 904, seconded by Senator Ige.

Senator Slom rose in opposition to the override and said:

"Thank you, Madam President. I rise in opposition to the override.

"Now, Madam President, I realize this is the last bill. We've been here all day, and I note the bipartisan support we've had. Every Democrat has voted for every override without exception, so I take note of that. But here's an opportunity--"

President Hanabusa interjected:

"Senator Slom, I think I must correct you on that; Senator Kokubun voted against VEBA."

Senator Slom responded:

"Oh my God, that's correct! I stand and sit in apology."

The President stated:

"You may proceed, however, with that correction."

Senator Slom continued:

"I do have that written down. Thank you, Senator Kokubun; you broke the mold. So we do have, out of thirty-seven bills, true bipartisanship because we had one of the Majority Party vote. Thank you. This bill is a bad bill; why are we doing this, folks? This bill is an added tax on all of our people. It's an added tax on everything we bring into this state. We're already, all of us, suffering from high gasoline prices, from high food prices, from high materials prices, from everything else. All of us complained last year when California indicated they were going to slap a tax on every container leaving. And we all raised our hands and said, 'Oh my God! That's terrible; it's going to increase the burden and lower the standard of living for everyone here,' as it would. But what are we doing? We're doing the same thing! We're going to add a tax. We're saying it's for invasive species control—we all want to control invasive species; let's do the right thing and have an appropriation, as we've done for the last several years, to increase the awareness of, and the entrapment of, and the problems of invasive species. But don't do this added tax which is going to impact everyone! And you know that! And, in addition, what makes this a particularly gnarly bill is that last year, when this bill was introduced and the Governor wisely vetoed it, we changed from a tax on the container—as was the situation and still is the situation in California—to the tax on the weight of the product, and that creates a number of additional problems. It does not treat products or suppliers or manufacturers fairly; those that have heavier products and goods that we must have in our state—and were already paying high prices for the importation of them—were going to pay even more. In addition to that, we look at what's covered and everything is covered coming in. And if we think, then, that our crocodile tears for California or other places will be taken seriously, we're mistaken because we're going to get a double whammy. We're going to get this tax that we ourselves are placing on our own citizens and then we open ourselves up for additional taxes from outside the state. Please, it's our last bill,

the last bill of the day; do you really want to do this? Do you really want to increase the taxes on every single resident in the state and have unintended consequences when all we have to do is continue our bipartisan unanimous support for controlling invasive species in the state? I urge you to reconsider on this bill override. Thank you.”

Senator Tokuda rose in support of the override and said:

“Thank you, Madam President. I rise in support of the veto override of the second to the last bill on today’s order of the day.

“Thank you. This is a good bill that would provide six to seven million dollars annually to pay for our biosecurity program and to increase inspection capacities at our ports and our harbors and our airports. You know, in the veto message, it talks about how this is objectionable because it would result in a significant impact on the cost of living in Hawai‘i. Well if the brown tree snake or the red imported fire ant or any other invasive specie enters our islands, every single individual will be significantly impacted and suffer. The cost of living will go up exponentially—beyond what the previous speaker has even talked about—if this were to go into effect. From the estimated half billion dollars annually, as a result of the introduction of the brown tree snake, to the loss of crops and livestock if the red imported fire ant were to make its way to our shores, the six to seven million dollars annually that this fee will collect is the ounce of prevention that we need to protect ourselves from billions of dollars of losses in the future.

“We should also take into consideration the impact that this could have on the economic viability of our agricultural industry. If we find that we lack the inspection capabilities—and we’re tight as it is right now—or that we find ourselves in a constant battle with new pests or diseases that are introduced every day, our producers could very well see quarantines imposed upon their agricultural exported goods. Right now, we’re constantly being threatened by this because of our lack of inspection capabilities at our ports and our harbors. The veto message further goes on to say that this will impact our industry disproportionately. The bottom line is that this provides parity among carriers. Up until this point, the maritime industry has been shouldering the majority of the burden and has been subsidizing the cost of air cargo inspections. This bill will ensure that all transportation companies moving freight share in the responsibility to combat invasive species here in Hawai‘i.

“Finally, it’s been referenced in the veto message and by the previous speaker that this measure recognizes that the State of California was and still is considering placing a surcharge fee on all containers leaving its port. Colleagues, we cannot control what California does. And let me very clear: California is definitely not worried or even thinking about how it’s going to protect Hawai‘i from the threat of invasive species or disease. That’s our job, and that’s why we need to make sure that this measure moves forward. Thank you.”

Senator Trimble rose to speak against the override and said:

“Thank you, Madam President. I rise in opposition to this measure.

“I think this the fourth time this year I get to speak against this measure. It is not, it is not about invasive species, this bill is about taxes. If you want to deal with invasive species, do it—good. Do it, you know; let’s use general fund revenue if we’re doing it. We do not have a clear understanding as to how much money a tax on weight of stuff coming into Hawai‘i will generate. It may be four, it may be seven, it may be fifteen million dollars. We should’ve had a clearer idea before we drafted this bill exactly how much money it would raise and how much money is needed—we didn’t do that. Next, you know, we talk about the brown tree snake as if it’s going to

come in a basket of oranges from California. The brown tree snake is more apt to come in a conveyance than in merchandise and yet, we’re not even looking at conveyances. We’re not even looking at where the risks are and then applying a fee to where the risks are. This is across the board; it is a tax.

“The next thing is we haven’t looked at the cost of compliance. You know, if we wish to assess a weight tax on bulk cargo, on mail cargo, on air cargo, why aren’t we taxing bilge water? Isn’t bilge water just as likely to bring an alien species to our islands just like it did to the Great Lakes? Why are we not looking at where the risks are and then trying to have a fee that is proportional to that risk? Or take it from general revenue? It is not about invasive species, this bill is about taxes and that’s why it’s a bad bill, and that’s why you should vote against it. Thank you.”

The motion was put by the Chair and carried, Roll Call vote having been requested, the veto of H.B. No. 2843, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INVASIVE SPECIES,” was overridden by not less than two-thirds vote of all members to which the Senate is entitled, on the following showing of Ayes and Noes:

Ayes, 19. Noes, 3 (Hemmings, Slom, Trimble). Excused, 3 (Bunda, Inouye, Whalen).

H.B. No. 2929, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2929, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” was postponed indefinitely.

SENATE RESOLUTIONS

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

Senate Resolution

No. 1 “SENATE RESOLUTION AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE FIRST DAY OF THE SPECIAL SESSION OF 2008.”

Offered by: Senators Hooser, Hemmings.

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

No. 2 “SENATE RESOLUTION INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.”

Offered by: Senators Hooser, Hemmings.

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

Senator Hemmings rose on a point of personal privilege as follows:

“Thank you, Madam President, colleagues, I really appreciate the opportunity to gather in this forum and exercise our constitutionally-mandated duty to provide checks and balances with the executive branch of government. It’s been healthy in many ways. I do want to set the record straight on a few things regarding how we voted, more specifically because of the disparaging remarks made, in fact the appalling remarks made, regarding my votes. I reserve the right to take into consideration these very intelligent messages and change my vote accordingly. I don’t walk in lockstep with the Majority party. As noted by the previous speaker from Hawai‘i Kai, of the thirty-seven bills overridden today there was only one Majority Party member who voted out of step with his colleagues. I happened to vote eight times with you all—hardly partisan. I also want to note that the House, I believe, only

overrode thirteen bills, so it seems they're a little more tempered and less partisan in the House than we have demonstrated today here in the Senate. But all in all I would say this has been a healthy exercise in democracy, with the exception of the partisanship; and the numbers speak louder than my words. Thank you, Madam President."

ADJOURNMENT

Senator Ige moved that the Senate of the Twenty-Fourth Legislature of the State of Hawaii, Special Session of 2008, adjourn Sine Die, seconded by Senator Hemmings and carried.

At 5:54 p.m., the President rapped her gavel and declared the Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Special Session of 2008, adjourned Sine Die.

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. No. 156 RELATING TO VOTING.									1		
S.B. No. 871 RELATING TO FOOD WASTE RECYCLING.									1		
S.B. No. 1526 RELATING TO JUDICIARY.									1		
S.B. No. 1793 RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY.									1		
S.B. No. 2082 RELATING TO PUBLIC SAFETY.									2	219	
S.B. No. 2198 RELATING TO LAND CONSERVATION.									2		
S.B. No. 2262 RELATING TO HEALTH.									2		
S.B. No. 2263 RELATING TO THE UNIVERSITY OF HAWAII.									3		
S.B. No. 2334 RELATING TO PUBLIC SAFETY.									3		
S.B. No. 2341 RELATING TO PUBLIC SAFETY.									3		

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. No. 2345 RELATING TO CHILDREN.									4		
S.B. No. 2434 RELATING TO THE STADIUM AUTHORITY.									4		
S.B. No. 2542 RELATING TO PUBLIC HEALTH.									4		
S.B. No. 2546 RELATING TO OFFENDER REENTRY.									4		
S.B. No. 2644 RELATING TO THE STATE HISTORIC PRESERVATION OFFICER.									5		
S.B. No. 2663 RELATING TO THE HAWAII TEACHER STANDARDS BOARD.									5		
S.B. No. 2668 RELATING TO THE UNIVERSITY OF HAWAII.									6		
S.B. No. 2803 RELATING TO PERSONAL INFORMATION.									6		
S.B. No. 2824 RELATING TO PROCUREMENT.									6		

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
S.B. No. 2827 RELATING TO PUBLIC CONTRACTS.									6		
S.B. No. 2830 RELATING TO CAREGIVING.									7	220	
S.B. No. 2840 RELATING TO SELF-SUFFICIENCY.									7		
S.B. No. 2843 RELATING TO ELECTRONIC DEVICE RECYCLING.									7		
S.B. No. 2867 RELATING TO THE HAWAII PROCUREMENT CODE.									7		
S.B. No. 2878 RELATING TO EARLY LEARNING.									7		
S.B. No. 2915 RELATING TO TARO.									8	211	
S.B. No. 2933 RELATING TO HOUSEHOLD ENERGY DEMAND.									8		
S.B. No. 3252 RELATING TO TEACHERS.									9		

NUMBER AND TITLE	Offered	Referred	Report of Committee	Adoption
S.R. No. 1 AUTHORIZING THE PRESIDENT TO APPROVE THE JOURNAL OF THIS SENATE FOR THE FIRST DAY OF THE SPECIAL SESSION OF 2008.	13			13
S.R. No. 2 INFORMING THE HOUSE AND GOVERNOR THAT THE SENATE IS READY TO ADJOURN SINE DIE.	13			13

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. No. 1412 RELATING TO THE DEPARTMENT OF TAXATION'S BENEFITS-FUNDED REVENUE-GENERATING COMPUTER INITIATIVES.									9		
H.B. No. 2085 RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION.									10		
H.B. No. 2238 RELATING TO PUBLIC HOUSING.									10		
H.B. No. 2250 RELATING TO TRANSPORTATION.									10		
H.B. No. 2531 RELATING TO THE WEST MAUI TRANSPORTATION ACCESS PLAN.									10	214	
H.B. No. 2675 RELATING TO MEDICAL MARIJUANA.									10		
H.B. No. 2704 RELATING TO HA'IKU VALLEY.									11		
H.B. No. 2761 RELATING TO WOMEN'S HEALTH.									11		

NUMBER AND TITLE	Received Referred	First Reading	Second Reading	Third Reading	Action of House	Conference Committee	Final Action	Action of Governor	Further Action	Act No.	Vetoed
H.B. No. 2843 RELATING TO INVASIVE SPECIES.									12		
H.B. No. 2929 RELATING WORKER'S COMPENSATION.									13		