

## TWENTY-SIXTH DAY

**Tuesday, March 10, 2009**

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2009, convened at 9:16 a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Charis Chinen, Moanalua Gardens Missionary Church, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Twenty-Fifth Day.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 35 to 44) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 35, transmitting H.B. No. 135, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 135, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INSECT," passed First Reading by title and was deferred.

Hse. Com. No. 36, transmitting H.B. No. 274, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 274, entitled: "A BILL FOR AN ACT RELATING TO PATRIOT DAY," passed First Reading by title and was deferred.

Hse. Com. No. 37, transmitting H.B. No. 355, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 355, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed First Reading by title and was deferred.

Hse. Com. No. 38, transmitting H.B. No. 710, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 710, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed First Reading by title and was deferred.

Hse. Com. No. 39, transmitting H.B. No. 875, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 875, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 1032, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1032, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC SEALS," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 1070, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1070, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 1075, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1075, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 1503, H.D. 1, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1503, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITED LIABILITY COMPANIES," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 1554, which passed Third Reading in the House of Representatives on March 6, 2009, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1554, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed First Reading by title and was deferred.

**ORDER OF THE DAY****THIRD READING**

At 9:20 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:22 a.m.

S.B. No. 1568, S.D. 2:

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, S.B. No. 1568, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 378, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 378, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 411, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 411, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAENA POINT STATE PARK," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 298, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 520, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 520, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 549, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 549, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE EXPRESS WARRANTY ENFORCEMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 574, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 636, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 636, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1069, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 1069, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 942, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 942, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 105, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 105, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTIVE PROCEEDINGS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1184, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 1184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CIVIL RIGHTS COMMISSION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 501 (S.B. No. 466, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 501 was adopted and S.B. No. 466, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLLUTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 505 (S.B. No. 1268, S.D. 2):

On motion by Senator English, seconded by Senator Gabbard and carried, Stand. Com. Rep. No. 505 was adopted and S.B. No. 1268, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 506 (S.B. No. 564, S.D. 2):

On motion by Senator English, seconded by Senator Gabbard and carried, Stand. Com. Rep. No. 506 was adopted and S.B. No. 564, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 507 (S.B. No. 440, S.D. 2):

On motion by Senator English, seconded by Senator Gabbard and carried, Stand. Com. Rep. No. 507 was adopted and S.B. No. 440, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 509 (S.B. No. 606, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 509 was adopted and S.B. No. 606, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 510 (S.B. No. 133, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 510 was adopted and S.B. No. 133, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 511 (S.B. No. 15, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 511 was adopted and S.B. No. 15, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 603, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 455, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, S.B. No. 455, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1086, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 1086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PET ANIMALS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 65, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 65, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 886, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 886, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1143, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Hee and carried, S.B. No. 1143, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HISTORIC PRESERVATION OFFICER," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 633, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 633, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1327, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 1327, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RATE OF INTEREST APPLICABLE TO OVERPAYMENTS OF TAX," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 771, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 771, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO APPRAISALS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 891, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 891, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1129, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 1129, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 605, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 260, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1192, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 1192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISTRICT COURT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1349, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 1349, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 539, S.D. 1:

On motion by Senator Espero, seconded by Senator Bunda and carried, S.B. No. 539, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 114, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 114, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 595, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 887, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 166, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 166, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 940, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 940, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1008, S.D. 1:

On motion by Senator Ige, seconded by Senator Gabbard and carried, S.B. No. 1008, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WATER QUALITY STANDARDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 705, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC PROCUREMENT CODE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1661, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 1661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 892, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 892, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1223, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 1223, S.D. 1, entitled: "A BILL FOR AN

ACT RELATING TO HAWAII MADE PRODUCTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1195, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Hee and carried, S.B. No. 1195, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 591, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 591, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1073, S.D. 1:

On motion by Senator Ige, seconded by Senator Espero and carried, S.B. No. 1073, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 19, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 19, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 532, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 532, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 763, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 763, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 968, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 968, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCAPE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 350, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF FORCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 76, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 846, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 846, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POST CONVICTION PROCEEDINGS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 571:

On motion by Senator Espero, seconded by Senator Bunda and carried, S.B. No. 571, entitled: "A BILL FOR AN ACT RELATING TO A VETERANS' MEMORIAL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 659:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 659, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 606 (S.B. No. 1147, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 606 was adopted and S.B. No. 1147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE DISASTER RELIEF," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 607 (S.B. No. 32, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 607 was adopted and S.B. No. 32, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUEL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 608 (S.B. No. 39):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 608 was adopted and S.B. No. 39, entitled: "A BILL FOR AN ACT RELATING TO REPORTS ON THE HAWAII CANCER RESEARCH SPECIAL FUND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 609 (S.B. No. 111):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 609 was adopted and S.B. No. 111, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 610 (S.B. No. 161):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 161, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 612 (S.B. No. 164):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 164, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL GRANTS SEARCH, DEVELOPMENT, AND APPLICATION REVOLVING FUND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 613 (S.B. No. 546, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 613 was adopted and S.B. No. 546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 614 (S.B. No. 947, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT CONTRIBUTION RATES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 615 (S.B. No. 1299, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1299, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED FLIGHT SIMULATOR TRAINING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 617 (S.B. No. 555, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 617 was adopted and S.B. No. 555, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 619 (S.B. No. 552, S.D. 1):

On motion by Senator English, seconded by Senator Gabbard and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 552, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY-EFFICIENT VEHICLES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 626 (S.B. No. 898, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 626 was adopted and S.B. No. 898, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 631 (S.B. No. 932, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 631 was adopted and S.B. No. 932, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFECTIOUS DISEASE TESTING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 632 (S.B. No. 1259, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 632 was adopted and S.B. No. 1259, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL RESPONSE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 634 (S.B. No. 1058, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 634 was adopted and S.B. No. 1058, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 640 (S.B. No. 301, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 640 was adopted and S.B. No. 301, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGISTERED AGENTS ACT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 647 (S.B. No. 1300, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 647 was adopted and S.B. No. 1300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 649 (S.B. No. 1206, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 649 was adopted and S.B. No. 1206, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 653 (S.B. No. 568, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 568, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 657 (S.B. No. 747, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 747, S.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO WORKFORCE DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 423, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 659 (S.B. No. 415, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 415, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME CARE AGENCIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 660 (S.B. No. 1160, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 1160, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 662 (S.B. No. 186, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 186, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE SERVICES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 663 (S.B. No. 774, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 664 (S.B. No. 1674, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 1674, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 665 (S.B. No. 862, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 862, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 670 (S.B. No. 271, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 670 was adopted and S.B.

No. 271, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM EMERGENCY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 672 (S.B. No. 201, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 201, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 674 (S.B. No. 86, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 86, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MAKUA," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 675 (S.B. No. 91, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 91, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 678 (S.B. No. 876, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 876, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 679 (S.B. No. 914, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 679 was adopted and S.B. No. 914, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 680 (S.B. No. 1248, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 1248, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 682 (S.B. No. 1329, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 1329, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY LEARNING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 684 (S.B. No. 863, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 684 was adopted and S.B. No. 863, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 688 (S.B. No. 905, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 688 was adopted and S.B. No. 905, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF COMMUNITY SERVICES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 690 (S.B. No. 1666, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 690 was adopted and S.B. No. 1666, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE TO NEEDY FAMILIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 691 (S.B. No. 1345, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 691 was adopted and S.B. No. 1345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 693 (S.B. No. 1118, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 693 was adopted and S.B. No. 1118, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 694 (S.B. No. 1126, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 694 was adopted and S.B. No. 1126, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO JOB-SHARING FOR PUBLIC EMPLOYEES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 696 (S.B. No. 1094, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 696 was adopted and S.B. No. 1094, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 697 (S.B. No. 972, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 972, S.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO TAX ADMINISTRATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 699 (S.B. No. 690, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 699 was adopted and S.B. No. 690, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL MOVEMENTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 700 (S.B. No. 512, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 512, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 702 (S.B. No. 391, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 391, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON OAHU,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 703 (S.B. No. 37, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 37, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INTRA-COUNTY FERRY SERVICE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 705 (S.B. No. 392, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 392, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING, LLC PROJECTS ON OAHU,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 706 (S.B. No. 360, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 706 was adopted and S.B. No. 360, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 708 (S.B. No. 623, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 708 was adopted and S.B. No. 623, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 710 (S.B. No. 1614, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 710 was adopted and S.B. No. 1614, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 712 (S.B. No. 1276, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 712 was adopted and S.B. No. 1276, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SMALL BUSINESS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 713 (S.B. No. 1258, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 713 was adopted and S.B. No. 1258, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 716 (S.B. No. 1107, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 1107, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUMS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 718 (S.B. No. 877, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 877, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 721 (S.B. No. 1218, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 1218, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 722 (S.B. No. 160, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 722 was adopted and S.B. No. 160, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL MEALS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 723 (S.B. No. 1137, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 1137, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Third Reading on the following showing of Ayes and Noes:



Ayes, 25. Noes, none.

Stand. Com. Rep. No. 727 (S.B. No. 101, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 727 was adopted and S.B. No. 101, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS BY COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 728 (S.B. No. 358, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 728 was adopted and S.B. No. 358, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 730 (S.B. No. 1128):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 730 was adopted and S.B. No. 1128, entitled: "A BILL FOR AN ACT RELATING TO METAL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 731 (S.B. No. 1311, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 731 was adopted and S.B. No. 1311, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 732 (S.B. No. 970, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 732 was adopted and S.B. No. 970, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMITTED PERSONS' ACCOUNTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 733 (S.B. No. 1224, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 733 was adopted and S.B. No. 1224, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT CONCESSIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 738 (S.B. No. 585, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 585, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 740 (S.B. No. 933, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 933, S.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO TEMPORARY LICENSURE OF DENTISTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 742 (S.B. No. 1645, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 742 was adopted and S.B. No. 1645, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BUILDING CODE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 744 (S.B. No. 1338, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 744 was adopted and S.B. No. 1338, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSEHOLD ENERGY DEMAND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 745 (S.B. No. 868, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 868, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 746 (S.B. No. 1675, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 1675, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 747 (S.B. No. 1610, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 1610, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ORDERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 748 (S.B. No. 420, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 748 was adopted and S.B. No. 420, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHIC MEDICINE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 750 (S.B. No. 1065, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 750 was adopted and S.B. No. 1065, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 751 (S.B. No. 917, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 751 was adopted and S.B.

No. 917, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THIRD PARTY LIABILITY FOR MEDICAID," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 752 (S.B. No. 1045, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 752 was adopted and S.B. No. 1045, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVANCED PRACTICE REGISTERED NURSES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 753 (S.B. No. 1676, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 753 was adopted and S.B. No. 1676, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 755 (S.B. No. 470):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 755 was adopted and S.B. No. 470, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 757 (S.B. No. 516, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 757 was adopted and S.B. No. 516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 758 (S.B. No. 1221, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 758 was adopted and S.B. No. 1221, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 759 (S.B. No. 427):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 759 was adopted and S.B. No. 427, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 760 (S.B. No. 528, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 760 was adopted and S.B. No. 528, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 765 (S.B. No. 1130, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 765 was adopted and S.B. No. 1130, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 766 (S.B. No. 1263, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 766 was adopted and S.B. No. 1263, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TATTOO ARTISTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 767 (S.B. No. 844, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 767 was adopted and S.B. No. 844, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 770 (S.B. No. 1005, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 770 was adopted and S.B. No. 1005, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 771 (S.B. No. 912, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 771 was adopted and S.B. No. 912, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERMANENCY HEARINGS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 772 (S.B. No. 6, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 6, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 773 (S.B. No. 1203, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 1203, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 774 (S.B. No. 979, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 979, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 777 (S.B. No. 1241, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 1241, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 779 (S.B. No. 203, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 203, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 780 (S.B. No. 572, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 572, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 782 (S.B. No. 764, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 782 was adopted and S.B. No. 764, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 783 (S.B. No. 580, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 580, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 785 (S.B. No. 58, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 785 was adopted and S.B. No. 58, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 788 (S.B. No. 231, S.D. 1):

On motion by Senator Kim, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 788 was adopted and S.B. No. 231, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 791 (S.B. No. 1228, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 791 was adopted and S.B. No. 1228, S.D. 2, entitled: "A BILL FOR AN ACT

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 792 (S.B. No. 1164, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 792 was adopted and S.B. No. 1164, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 794 (S.B. No. 1066, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 794 was adopted and S.B. No. 1066, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 795 (S.B. No. 1057, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 795 was adopted and S.B. No. 1057, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DETENTION AND RETENTION PONDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 797 (S.B. No. 1046, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 797 was adopted and S.B. No. 1046, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PROFESSIONAL EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 798 (S.B. No. 921, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 798 was adopted and S.B. No. 921, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FINANCIAL ASSISTANCE FOR INDEPENDENT LIVING SERVICES AND CENTERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 799 (S.B. No. 713, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 713, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE EMERGENCY ENVIRONMENTAL WORKFORCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 800 (S.B. No. 523, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 800 was adopted and S.B. No. 523, S.D. 2, entitled: "A BILL FOR AN ACT RELATING

TO HIGH TECHNOLOGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 802 (S.B. No. 178, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 802 was adopted and S.B. No. 178, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FOOD WASTE RECYCLING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 803 (S.B. No. 109, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 803 was adopted and S.B. No. 109, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR JUVENILES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 806 (S.B. No. 602, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 806 was adopted and S.B. No. 602, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ARTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 808 (S.B. No. 1141, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 808 was adopted and S.B. No. 1141, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 809 (S.B. No. 1173, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 809 was adopted and S.B. No. 1173, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 813 (S.B. No. 242, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 813 was adopted and S.B. No. 242, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 814 (S.B. No. 417, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 417, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 816 (S.B. No. 1179, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 816 was adopted and S.B.

No. 1179, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 817 (S.B. No. 1205, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 817 was adopted and S.B. No. 1205, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TEMPORARY HEALTH INSURANCE FOR UNEMPLOYED PERSONS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 818 (S.B. No. 1247, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 818 was adopted and S.B. No. 1247, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ECONOMY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 820 (S.B. No. 1381, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 820 was adopted and S.B. No. 1381, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ENVIRONMENT,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 821 (S.B. No. 1668, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 821 was adopted and S.B. No. 1668, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HUMAN SERVICES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 824 (S.B. No. 910, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 824 was adopted and S.B. No. 910, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 827 (S.B. No. 696, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 827 was adopted and S.B. No. 696, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COQUI FROGS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 838 (S.B. No. 1202, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 838 was adopted and S.B. No. 1202, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 840 (S.B. No. 1105, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 840 was adopted and S.B. No. 1105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE HEARINGS AND PROCEDURES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 841 (S.B. No. 818, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 841 was adopted and S.B. No. 818, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 843 (S.B. No. 643, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 843 was adopted and S.B. No. 643, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 844 (S.B. No. 522, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 844 was adopted and S.B. No. 522, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND COURT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 849 (S.B. No. 194, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 849 was adopted and S.B. No. 194, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 667 (S.B. No. 1678, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 667 be adopted and S.B. No. 1678, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Fukunaga then offered the following amendment (Floor Amendment No. 1) to S.B. No. 1678, S.D. 2:

SECTION 1. Senate Bill No. 1678, S.D. 2, is amended by adding a new section 19 to read as follows:

"SECTION 19. Section 237-31, Hawaii Revised Statutes, is amended to read as follows:

"**§237-31 Remittances.** All remittances of taxes imposed by this chapter shall be made by money, bank draft, check, cashier's check, money order, or certificate of deposit to the office of the department of taxation to which the return was transmitted. The department shall issue its receipts therefor to the taxpayer and shall pay the moneys into the state treasury as a state realization, to be kept and accounted for as provided by law; provided that:

- (1) The sum from all general excise tax revenues realized by the State that represents the difference between \$45,000,000 and the proceeds from the sale of any general obligation bonds authorized for that fiscal year

for the purposes of the state educational facilities improvement special fund shall be deposited in the state treasury in each fiscal year to the credit of the state educational facilities improvement special fund;

- (2) A sum, not to exceed \$5,000,000, from all general excise tax revenues realized by the State shall be deposited in the state treasury in each fiscal year to the credit of the compound interest bond reserve fund; [and]
- (3) A sum, not to exceed the amount necessary to meet the obligations of the integrated tax information management systems performance-based contract may be retained and deposited in the state treasury to the credit of the integrated tax information management systems special fund. The sum retained by the director of taxation for deposit to the integrated tax information management systems special fund for each fiscal year shall be limited to amounts appropriated by the legislature. This paragraph shall be repealed on July 1, 2005[-]; and
- (4) A sum equal to per cent of all tax revenues realized by the State under chapters A, B, and C, respectively, from the effective date of this Act through December 31, 2014, shall be deposited in the state treasury in each fiscal year to the credit of the University of Hawaii to fund high-priority higher education programs; provided that any moneys received under this section shall augment and not replace existing operating or capital improvement budgets; provided further that beginning January 1, 2015, all revenues realized by the State under chapters A, B, and C shall be deposited in the state treasury."

SECTION 2. Senate Bill No. 1678, S.D. 2, is amended by renumbering sections 19 to 35 to sections 20 to 36 accordingly.

Senator Fukunaga moved that Floor Amendment No. 1 be adopted, seconded by Senator Baker.

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

"In our quest to ensure that all of the provisions relating to taxes this year were accurate, we neglected to include a provision that is at the bottom of subsection 4, specifying some potential uses of the collections that we would like to make with the streamlined tax legislation."

The motion to adopt Floor Amendment No. 1 was put by the Chair and carried.

Senator Fukunaga then moved that Stand. Com. Rep. No. 667 be received and placed on file, seconded by Senator Baker and carried.

By unanimous consent, S.B. No. 1678, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was placed on the calendar for Third Reading on Thursday, March 12, 2009.

Stand. Com. Rep. No. 698 (S.B. No. 698, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 698 be adopted and S.B. No. 698, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 2) to S.B. No. 698, S.D. 2:

SECTION 1. Senate Bill No. 698, S.D. 2, is amended by adding a new section 2 to the bill that amends section 251-5, Hawaii Revised Statutes, to read as follows:

"SECTION 2. Section 251-5, Hawaii Revised Statutes, is amended to read as follows:

**[H]§251-5[H] Remittances.** All remittances of surcharge taxes imposed under this chapter shall be made by cash, bank draft, cashier's check, money order, or certificate of deposit to the office of the taxation district to which the return was transmitted. The department shall deposit the moneys into the state treasury to the credit of the state highway fund[-]; provided that, beginning July 1, 2009, \_\_\_ per cent of the collection each month from the rental motor vehicle and tour vehicle surcharge tax under section 251-2 shall be deposited into the state general fund.”

SECTION 2. Senate Bill No. 698, S.D. 2, is amended by renumbering sections 2 and 3 as sections 3 and 4, respectively.

Senator Kim moved that Floor Amendment No. 2 be adopted, seconded by Senator Tsutsui.

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

“All we're doing is clarifying that part of this blank percentage of the surcharge taxes will be deposited into the general fund. It's on page 2 of the bill.”

The motion to adopt Floor Amendment No. 2 was put by the Chair and carried.

Senator Kim then moved that Stand. Com. Rep. No. 698 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, S.B. No. 698, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE RENTAL MOTOR VEHICLE AND TOUR VEHICLE SURCHARGE TAX,” was placed on the calendar for Third Reading on Thursday, March 12, 2009.

At 9:25 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:29 a.m.

Stand. Com. Rep. No. 734 (S.B. No. 1346, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 734 be adopted and S.B. No. 1346, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Kim then offered the following amendment (Floor Amendment No. 3) to S.B. No. 1346, S.D. 1:

SECTION 1. Senate Bill No. 1346, S.D.1, Section 8, is amended by amending section 237-31, Hawaii Revised Statutes, to add a new subsection (5), to clarify that any remaining sums from all general excise tax revenues realized by the State shall be deposited to the credit of the general fund.

Senator Kim moved that Floor Amendment No. 3 be adopted, seconded by Senator Tsutsui.

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

“Similarly to the last bill, this measure just makes—clarifies—in a new section 5 that all remaining sums will be deposited into the general fund.”

The motion to adopt Floor Amendment No. 3 was put by the Chair and carried.

Senator Kim then moved that Stand. Com. Rep. No. 734 be received and placed on file, seconded by Senator Tsutsui and carried.

By unanimous consent, S.B. No. 1346, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was placed on the calendar for Third Reading on Thursday, March 12, 2009.

## RECOMMITTALS

Stand. Com. Rep. No. 768 (S.B. No. 973, S.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, Stand. Com. Rep. No. 768 and S.B. No. 973, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION,” was recommitted to the Committee on Judiciary and Government Operations.

Stand. Com. Rep. No. 807 (S.B. No. 800, S.D. 2):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, Stand. Com. Rep. No. 807 and S.B. No. 800, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON FATHERHOOD,” was recommitted to the Committee on Ways and Means.

## THIRD READING

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

“Madam President, we undertook some reform of this process when we redefined the rules and the operating rules of the State Senate. And I want to point out to the Majority party and some who may share my concerns, a change in the rules that has clouded transparency, certainly created more work for our staff and therefore impeded efficiency, and in some ways you could say impugns the honesty of this process. And I make reference to Rule 25, Section 23.

“Previously, as stated in the 2008 Rules, the report—the committee report—shall also include the identity of persons or groups who submitted testimony on legislation for and against, and comments. This was a good rule because we could read the committee report, Madam President, and see exactly what was going on. We can't do that anymore because the new rule pretty much says—make a reference and do a brief summary. I would give you one particular example: a committee report says that there were comments on a certain bill that we're going to be voting on today, and the comments, one of the comments—because I've got the testimony here—was strong in opposition to the bill, but we would never know it reading the committee report. In the interests of transparency, efficiency, and honesty, I hope the Majority party reconsiders this rule and puts back into play more accurate and honest committee reporting principles that we can make more informed, accurate and transparent decisions. Thank you for your consideration, Madam President.”

S.B. No. 474, S.D. 1:

Senator Taniguchi moved that S.B. No. 474, S.D. 1 pass Third Reading, seconded by Senator Bunda.

Senator Slom rose in opposition to the measure and stated:

“The description of the measure is to clarify the gubernatorial appointment process, but what the measure actually does is to reduce powers the executive branch has in terms of appointments, interim appointments, when the Senate is not in session. Moreover, I think the passage of this amendment would make it even more difficult to get good people to serve because they would have a difficult time knowing what their term would be. Thank you.”

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 474, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE HAWAII CONSTITUTION, TO CLARIFY THE GUBERNATORIAL APPOINTMENT PROCESS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Takamine).

S.B. No. 1672, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Baker and carried, S.B. No. 1672, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC STRUCTURES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 683 (S.B. No. 1669, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 683 be adopted and S.B. No. 1669, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure and stated:

"I could summarize my testimony by just referring to the recent audit we have received regarding the procurement processes at the DOE, as they speak volumes about the malfeasance, maybe criminal behavior, of some people in the Department of Education who have taken a great deal of money and squandered it through mismanagement. Case in point, the audit pointed at on one particular occasion, \$160 million—in spite of the numbers that we throw around these days, \$160 million is still real money—\$20 million was spent contracting out the management of the spending of that money. We're always crying and lamenting that we don't have enough money to do the things that need to be done like teaching children how to read and write so they won't be ranked 47th in the nation, but we can use \$20 million to contract God knows who to spend what should have been \$160 million but ends up being \$140 million. That audit clearly shows that the resources that the Department of Education spends on the operating side—we know it is \$2.4 billion—are not being spent wisely and efficiently; therefore, it does not make sense to give them more responsibility and authority, over those funds. So I would urge my colleagues to take a close look at this and rather than just placing the audits we get on the shelf and shrugging our shoulders and standing up and saying that we're doing all this for the *keiki*. We might really want to start doing it for them by not continuing to enable, or underwrite, the failures and malfeasance of the Department of Education. Thank you, Madam President."

Senator Sakamoto rose in support of the measure and stated:

"Madam President and colleagues, I think our Auditor does her best to point out flaws and to point out good things in measures. The point raised about the \$20 million in the Auditor's report related to management overseeing management is not a correct statement. In working with the department, the consultants also did the design work, and I think that was overlooked in trying to claim people were just watching people doing something. We need to get to the bottom of each issue, including that particular one, and I'm not in any way saying everything's perfect. I believe, as I've stated before on this floor, we will look at each particular item that was brought up by the Auditor and attempt to resolve the issues so we can improve things. In spite of the audit, I believe this measure is a good measure. Our schools do need work. We need to get the backlog down to a point where projects are not on a waiting list for three, four, five, six, however many years. Thank you very much. I urge my colleagues to vote in support of the measure."

Senator Slom rose in opposition to the measure and stated:

"All of us want, and have voted for, the refurbishing of our schools' repair and maintenance. But the point that the Minority Leader brought up about the audit, which has been

brought up time and time again for the last ten years, is that the Department of Education has not done what it was supposed to do then, is not doing what it's supposed to do now, and we're relying on them to do things and adopt policies that in fact they have not done.

"A prudent position would be to have the Department of Education adopt those policies first, for them to then bring it to the Legislature, for us to then say, 'Okay, you've done what's supposed to be done. We believe that you have the capability and the abilities to do it.' And then we will authorize the money. We're putting the cart before the horse, and I think this is further exasperating the problem and from the public standpoint, they see all the money that we give to the DOE but they don't see the results, both in learning and in construction. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 1669, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 689 (S.B. No. 1679, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 689 be adopted and S.B. No. 1679, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"There's been a great deal of interest over the years in the budget reserve fund or the so-called rainy day fund. What this bill does is to make specific grant allocations. There was a lot of publicity and a lot of discussion prior to and at the beginning of the legislative session about our monetary problems and how we couldn't afford grants-in-aid, and now what we're doing is raiding this fund to make specific grants-in-aid. It's not surprising that all of the supportive testimony came from those individuals and organizations who would be the beneficiary of these grants-in-aid. I think this is a misuse of the fund. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 689 was adopted and S.B. No. 1679, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 692 (S.B. No. 1665, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 692 be adopted and S.B. No. 1665, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose to speak with reservations on the measure as follows:

"We had a lively discussion in committee about the use of federal Reed Act funds for training. The bill I know has been amended so that that doesn't appear to be a concern. However, I think that we can have good people argue and disagree. We want the stated purpose of the bill; the question is whether or not we can legally use the Reed Act funding. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 692 was adopted and S.B. No. 1665, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 714 (S.B. No. 1680, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 714 be adopted and S.B. No. 1680, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Fukunaga rose to request comments in support of the measure be inserted into the Journal. The Chair so ordered.<sup>1</sup>

Senator Slom rose in opposition to the measure and stated:

“Thank you, Madam President. You’ll be seeing quite a bit of me today for all of those new bills that propose new special funds. I continue to remain opposed to the creation of new special funds, as well as the raiding of the funds. This bill has been a long work in progress. It has a number of notable features, but for me the addition of the special fund is a deal breaker, and I’ll be voting ‘no.’ Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 714 was adopted and S.B. No. 1680, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 739 (S.B. No. 1671, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 739 was adopted and S.B. No. 1671, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FOSSIL FUELS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 810 (S.B. No. 1664, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 810 was adopted and S.B. No. 1664, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 845 (S.B. No. 1673, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 845 be adopted and S.B. No. 1673, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure and stated:

“I would like to think, with all the best intentions, that this bill is designed to assist the long-standing problems of Hawai‘i Health Systems Corporation’s terrible financial troubles which are not a new occurrence. And I have to, in speaking on this bill, acknowledge that the whole medical profession is in dire condition and it’s absolutely true that reimbursements from government—Medicaid, Medicare, especially—and our local insurance companies are low while expenses are high. It’s been astutely pointed out that our aging population adds to the cost of long-term health care and all of those things that we did not have to pay for quite as extensively years ago are adding on to the system.

“But there is something that sets apart Hawai‘i Health Systems Corporation and makes it especially troublesome. And I don’t think there’s a comparison between the hardships of the private sector medical profession and the problems with HHSC. Maui Memorial, Hilo, Kona—many of these hospitals are self-mandated monopolies that the government has protected through the certificate of need process. But what is pretty

difficult to understand is—and excuse the metaphor—diagnosing this problem. This legislature has been in denial for too many years because the real problem with HHSC can be found in their testimony. Their testimony clearly points out that they have a 17 percent added cost, which is, of course, 17 percent of a budget pushes you from viability to fiscal problems. That 17 percent is the cost they pay for civil service, and I don’t even know if it’s fair to call civil service ‘service’ anymore because the salaries, the fringe benefits, the increased benefits and lack of productivity of some, not all, some—and I might add a minority of alleged civil servants—is what contributes to the 17 percent additional cost that Hawai‘i Health Systems has to suffer under. This does not only imperil the economic well being of the state because we have to subsidize this on a yearly basis—and this is not new as we’ve said—but also imperils the health and safety of the good people of Maui and others who are caught in a monopoly of one hospital.

“There have been comparisons: well, you know, we need to protect Maui, and it’s a small hospital, and there’s no economies of scale. I’ve heard every excuse in the book now for the years on why we have to maintain this system. But the evidence is overwhelming. People of O‘ahu, including the needy and the elderly receive fairly good service by the private sector hospitals. ‘But we’re a big, big city so that makes sense.’ No, it doesn’t make sense because the people of Kaua‘i have a hospital that’s not a monopoly hospital of the state and they have nowhere near half the problems that Maui Memorial has.

“So if we’re really sincere in solving the problems of Hawai‘i Health Systems, we’ll get rid of the CON process and expand the marketplace of choice for everybody. It’s amazing that through the genius of consumer spending and choices, services expand and get better, not worse. Because as is done in O‘ahu, hospitals and services in any sector of economy find their niche and certainly there’s a role for Maui Memorial, for instance, or Kona, or Hilo, or any other state monopoly hospital to play in that mix. But they are not going to be competitive nor are they going to be fiscally responsible with the unjustified 17 percent additional cost to pay for the civil service contracts through collective bargaining. They have not, in the past, contracted out to the private sector those services that could be done for less money, and we’ve heard the example of laundry service at Maui Memorial that could be done nearly one-half the cost if it was contracted out. By the way, it would also expand the Maui economy. So until we come to grips with the honesty and the reality of this problem, we’re going to continue to have a financial abyss with Hawai‘i Health Systems Corporation. And this bill is only going to extend the problem, not solve it. Thank you, Madam President.”

Senator Ige rose in support of the measure and stated:

“Everyone in the state of Hawai‘i knows that the Hawai‘i Health Systems Corporation provides critical health care safety net services to our communities across the state. Many of their services have been abandoned by private-sector facilities. The state facilities are the only ones that provide many of these critical emergency and other services for many across our communities. You know, it is no secret that hospitals, both public and private, are operating at a loss. Audited records of even the nonprofits and private institutions in this community show a deficit of more than \$100 million. The whole nature of health care, especially in critical care facilities, has been changed by the reimbursement process.

“S.B. No. 1673 is our effort to create a comprehensive measure that insures that these critical emergency services can be maintained for our communities. More importantly, it looks to restructure the Health Systems Corporation to insure its future sustainability. There are several components in this measure that we believe is critical to the success of the corporation. First and foremost, it creates a process to

<sup>1</sup> Request withdrawn at later date



determine critical services that must be provided in each and every facility, in many instances, because there is no one else stepping forward to provide these services. More importantly, it does create a process to engage the community in any conversation that would determine what expanded services or nonessential services can be reduced.

“Second, it really does take a look at the fiscal sustainability of the system. The previous speaker had mentioned that the government is the poorest reimbursing for many of the critical services, and many of the losses sustained in these facilities are because of government reimbursements that do not meet their costs. So we’ve taken an approach to increase reimbursements for these facilities, much like the federal government has in looking at reimbursements for what they term ‘critical access hospitals’ across the nation.

“Third is the labor flexibility. Many of the issues that these facilities face are very, very different than the state workers in other facilities. For one, they’re all 24 x 7 facilities. Second is really they do provide, virtually each and every service that they provide is critical to the health and welfare of the communities. So, we’ve created a process that would ensure that HHSC has the ability to negotiate specific terms and conditions that would apply to state employees that work in these facilities to recognize that they are different.

“And fourth, we’ve created a structure and a process that would allow any specific region or facility to seek a different, more independent status in efforts to attract external capital into the system. We recognize that the state cannot continue to fund all the needs of the system and we’re creating a process that would encourage other external parties to make investments in our communities.

“Madam President, I would like to thank all of those members, especially those Senators from the neighbor islands, who have spent countless hours trying to understand the issues that the corporation faces and tried to create a comprehensive measure that we believe would move the system forward, and I would encourage all of my colleagues to support it. Thank you.”

Senator Hemmings rose in rebuttal and said:

“I want to qualify my remarks. I certainly recognize the sincere efforts of the good Chairman of the committee of this subject matter. Our differences are not based on what we want to do, but how we want to do it. In starting my detailed rebuttal, I would like to first say that we’ve had 20 years to solve this problem, and this bill, which is a continuation with some fine tuning of the status quo, is not going to solve the problem. It’s just going to extend it. I have to go on record saying that the good people of O’ahu have a safety net, and to imply that Maui Memorial has some sort of franchise of the state hospitals on safety nets is an insult to the entire profession. The medical care industry is, especially with regards to the Hippocratic Oath for doctors, one of the few industries where oftentimes the bottom line is not the first objective. However, there is a safety net here on O’ahu and they don’t have a state monopoly hospital here. So, the state hospitals are not providing anything that is going to save those in dire need, and holding them hostage as a justification for the fiscal loss and the physical risk of patients is patently unfair.

“The previous speaker did talk about labor flexibility, and it’s a worthy subject. Unless we allow labor contracts to be amended and/or contract services to the private sector, we cannot afford to continue supporting these contracts with the labor unions. To say that these contracts are special, because these workers work 24-7 and different shifts, is once again very misleading. I don’t think Queen’s Hospital closes their door, and labor goes home at 4:30. But I’ll tell you what Queen’s

Hospital and all the private sector hospitals that serve the populace of Hawai‘i so well do: they don’t give their laborers 14 paid holidays a year. On the average, private sector gets 8 to 10. They don’t give them, the minute they sign up for work, 21 paid vacation days a year; they’re lucky if they start with 10 and over the years they earn more. They don’t give them lifetime health care at great expense. And in doing my research on this subject, public workers are no longer servants. They make more than their counterparts in the private sector, especially in the blue collar and bureaucratic level of employment. Once again, colleagues, in spite of the compassionate words about safety nets and all the other things we’ve heard in rationalization down through the years on this, the facts are that public monopoly hospitals have a 17 percent labor cost that the private sector doesn’t have. Once again, I do want to recognize the Chairman, the Health Committee and his intent on this, and also want to say that if we come to honest grips with this, we can solve these problems. They are not insurmountable. We’ve created them, and we can create a solution. Madam President, I’m very optimistic about that, but this bill isn’t it. Thank you.”

Senator Hooser rose in support of the measure and stated:

“Madam Speaker, even though we have a long day, I couldn’t just sit here and listen to the ill-informed remarks of the previous speaker. It’s clear to me that either the information is coming from a very poor source, or is not being read, or for whatever reason he doesn’t seem to have a clue about the reality about neighbor island hospitals. Like many of my colleagues here, I fly frequently back and forth from the neighbor islands, from Kaua‘i, from Maui, from the Big Island, and on virtually every single flight that I fly on, there are people flying to Honolulu for treatment: for diabetes treatment, for cancer treatment, for heart treatment, for the treatment of all kinds of ills. And I think unless you actually live in a rural community and actually deal with health care issues, either yourself personally or with family members, with the limitations that rural communities such as Maui, the Big Island, Kaua‘i have, you cannot truly understand the challenges and limitations of those systems. To have only one hospital in an entire county, or on Kaua‘i, to have only one on the west side of Kaua‘i, where it’s 30 to 40 minutes to get to a doctor otherwise, is just unconscionable for us not to think about keeping this hospital system strong.

“As the Chair of the Health Committee mentioned, virtually every medical system provider in the state, if not in the nation, is struggling financially. We need to remember these are state hospitals. Fundamentally we have an obligation to provide services and to put all of the blame, if you would, for the financial problems of these hospitals on the back of nurses and janitors and public workers, I think, is totally uncalled for. If the facts of the matter are true that they have greater benefits, but it’s also very true that nurses in the private sector get paid far more than the nurses in the public sector, then we should be thankful that we have them all. It’s a trade-off; public sector employees choose the benefits over the salary. We have a system in place. We need to keep it in place. We need to keep it strong. And I urge my colleagues to vote in support. Thank you, Madam President.”

Senator Slom rose in opposition to the measure and stated:

“I was waiting for a rebuttal to the rebuttal from the good Senator from Kaua‘i but I didn’t hear that. I heard things that in fact were not said. I think he summed it up best when he said we have a system and we’ve got to protect the system. I think that’s a lot different from saying that we’ve got to protect those in need of health care services. We should be looking for the best way to do that and obviously this system is not it.

“When we talk about neighbor islands, we must remember what happened on the island of Maui, where there was private

investment suggested of approximately \$350 million to provide not only an alternative, but a second major hospital, for the Valley Isle. And who were the people who fought against it? Those in this system. Those being subsidized by the taxpayers of this state. Had that private project gone through, it would have been a magnet to attract additional private investment to the neighbor islands and to rural areas where these services definitely are needed. But to put the system above everything else and say, 'Okay, it's failed for 20 years, but we'll, doggone it, we'll make sure it fails for another 20 years. We'll just keep pumping money into it,' is not taking care of the people. It is not taking care of our fiduciary duty. And it's just not right. Thank you."

Senator Baker rose in support of the measure and stated:

"It's unfortunate that conservative philosophy seems to be the overriding consideration when looking at health care. It's unfortunate because it neglects the facts that the hospitals that we're speaking about—the acute cares, Kona, Hilo, Maui, the critical access hospitals on the Big Island, Kaua'i, and our long-term care facilities on those islands as well as O'ahu—provide quality, excellent health care. When the system was set up, it didn't have the endowment that Queen's has. It didn't have the working capital that any other system starting out would have had. So we handicapped the system from the very beginning. But it didn't stop the doctors and the nurses and the administrators from doing the very best they could to make sure that the people they served, not the system, were top of mind, front and center, and were the ones that they went to work for every day and tried to make sure that they provided the best care that they could. Every one of the hospitals in Hawai'i Health Systems Corporation is a nationally accredited, JCAHO accredited facility. So let's not disparage the hospitals or the people that work there. Yes, there are some systemic issues that we need to address and that why it's surprising that the very vehicle that is going to allow us to move the discussions forward and actually make some changes is being vilified on the floor of the Senate. We have a doctor shortage. We have medical shortages that are not the hospital's making, that are not the workers' making—medical shortages occurring across the country, in the world, and in this state. You know, it's nice to look fondly back with rose-colored glasses on what might have been. But the fact of the matter, if you're going to look specifically at the 'private hospital on Maui' before the consideration or reconsideration of whether that CON might have gone forward, the financing for that proposed hospital dried up. The proposing entity, Triad, was bought out by another entity and there was no more money to put into it. So, let's not go backwards and say, 'Well, if we'd have done this or if we'd have done that, everything would have been rosy.' If the CON dropped dead today, it would not add any more money to any system anywhere. We have private hospitals in this state facing great difficulties that have absolutely nothing to do with Certificate of Need or anything else. We're all in a very difficult financial situation, and I don't think there's any pot of money that's going to come into the state to bail anybody out. We have to solve this issue on our own, and I think we can if we all work together.

"But let me make just one other point about how some of these deficits that our hospitals face have come up. We've talked a little bit about reimbursements, and that's clearly part of the problem. But if you just look at Maui Memorial, the bulk of their deficit comes from uncompensated care, from services that the private entity that was going to come into Maui didn't want to provide—mental health, other chronic care services—but primarily it's about the wait list. It's those acute care beds that are put into long-term care service because there's no place else that will take Medicaid patients or Medicare patients or uninsured patients because if they did, if Hale Makua or some of the other facilities in the community were to take them, they

would lose so much money that they would be facing financial ruin. These are the kind of services that HHSC hospitals have to address because they're a public system, it is part of the safety net along with FQHC's, the community health centers that provide needed health care services without regard to the ability to pay. They must provide these services to the patients. They can't throw them out on the streets. And they cannot discharge them just because they don't need acute care services any longer. The wait list situation is costing the HHSC hospitals at least \$5 million in debt a month. That's a lot to have taken out of your bottom line when the costs of pharmaceuticals are going up, and they have to pay doctors a premium to provide call 24-7, when the costs of technology are going up, and everybody wants the best, the newest, and the most expensive care. We should provide that, and I think we can. We will continue to provide quality care in our Hawai'i Health Systems Corporation hospitals, but we must make some systemic changes. And, Madam President, the bill before us is an attempt to move that conversation along to give us all of the tools, or at least the framework for the tools, that will be necessary to make a difference for these hospitals. It's not about the system. It's about the patients that rely on them for care. Thank you."

Senator Green rose in support of the measure and stated:

"Very intelligent comments have been made both for and against the bill. There are system-wide changes that have to be made. In this bill, there are some actually very radical changes. As this bill goes forward, I'm sure we'll refine some of the language, but people should realize that the three acute care hospitals—Maui, Kona and Hilo—do represent the toughest nut to crack. They have the largest losses, the largest number of acute care patients with bad reimbursements to handle. This bill enables them to do some of the things that have been mentioned over a long period of time, which is to semi-privatize, form LLCs or 501(c)(3)s, so there is really significant language in this bill to address that problem, so this bill is not ignoring the fact that there's going to have to be outside investment. What this bill does endeavor to do is to strengthen the parts of the system that we are going to remain committed to, especially the critical access hospitals, the safety net pieces that are community health centers, to increase reimbursements partially with the help of the private sector, HMSA and other insurers—very important pieces of the bill. There are labor concessions. They will be further spelled out, I'm sure, as this session goes through. We are addressing very important parts of the complex problem with several other bills as well, so nothing is being neglected as far as this debate goes.

"I would caution, as I wrap this comment up, I would caution my colleagues that this change—and this is going to be a very systemic change if S.B. No. 1673 becomes law—I would caution them that the changes and to see the full impact is probably going to take, from my perspective, 21 to 24 months to see some of the very significant savings that will be a must given the economic state of the health care system and the privatized changes that are proposed and being recommended in the course of this bill. So please be patient, but rest assured that you'll see language in this bill that does make fundamental changes in the health care system in Hawai'i. Thank you, Madam President."

Senator Ige rose in rebuttal and said:

"I did want to note for the record that the previous governor, who happened to be Democratic, had negotiated the vacation and sick leave down to 10 days for vacation and 10 days for sick leave for all new employees of the state on a going-forward basis. The current governor, who happens to be Republican, in her first set of contracts, restored the vacation to the 21 days for vacation and sick leave, and I don't know why but that is clearly a big part of the problem. Thank you."

The motion was put the Chair and carried, Stand. Com. Rep. No. 845 was adopted and S.B. No. 1673, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 654 (S.B. No. 995, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 654 be adopted and S.B. No. 995, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"This bill would convey a great many land parcels to the Office of Hawaiian Affairs. There are a number of questions and blank amounts within the bill so we're not sure what the costs will be. But more importantly, I think, last year there was an effort by the Senate to have a complete audit of the Office of Hawaiian Affairs. I think more than ever this and similar bills show that that need is required. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 995, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 823 (S.B. No. 169, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 823 was adopted and S.B. No. 169, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HEALTH CORPS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 804 (S.B. No. 442, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 804 was adopted and S.B. No. 442, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIT ORIENTED DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 848 (S.B. No. 496, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 848 was adopted and S.B. No. 496, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 288, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, S.B. No. 288, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOLS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 50, S.D. 1:

On motion by Senator Hee, seconded by Senator Gabbard and carried, S.B. No. 50, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY PRODUCERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 635, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PARKS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 506, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 506, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1083, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 1083, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1194, S.D. 1:

Senator Taniguchi moved that S.B. No. 1194, S.D. 1 pass Third Reading, seconded by Senator Bunda.

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

"Madam President, for the record, cock fighting is already against the law in our state; and please register a 'no' vote for me on this bill."

Senator Baker rose with reservations and stated:

"It's my understanding that federal law would preempt us and these items are already outlawed. Could the Chair of the Judiciary Committee address that, please?"

Senator Taniguchi rose to provide the following clarification:

"Actually, I'm not clear about that, Madam President. We could do further research, but yeah, I'm not clear on that. I think it's not, because otherwise we would not have this bill."

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

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

The motion was put by the Chair and carried, S.B. No. 1194, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 5 (Baker, Gabbard, Kim, Kokubun, Nishihara). Noes, 5. (English, Hee, Hooser, Takamine, Tsutsui).

S.B. No. 207, S.D. 1:

On motion by Senator Espero, seconded by Senator Bunda and carried, S.B. No. 207, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 502 (S.B. No. 1040, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 502 was adopted and S.B. No. 1040, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 503 (S.B. No. 1352, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 503 be adopted and S.B. No. 1352, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Kokubun rose in opposition to the measure and stated:

"Madam President, let me start first by saying I really appreciate all the hard work that the subject matter committees have put into this report, but I'm very, very concerned that in this move, and particularly in light of our declining economy, that we not suffer revenue losses at this time. And I think that this bill presents a potential revenue loss that could, in fact, grow to be a major loss in the future. I know now that real estate sales are declining so perhaps at this point in time we can overlook the declining revenues. But my understanding is that by allowing this change to happen, the Bureau of Conveyances, in fact, will be losing an estimated \$500,000 to \$1 million, at least that's according to testimony from 36 Bureau employees that submitted testimony. In looking at the testimony from DLNR, the Administration is attempting to say that the losses would in fact be much less given our declining economy. This is an issue where the Bureau of Conveyances needs to be more efficient with respect to time share units and how the change of title is managed, but I do not want to just throw the baby out with the bathwater. We still have some time to look at other ways to address this issue by making them more efficient, providing them with more computerization, but not necessarily with the lack of, or by reducing, the amount of money that's being charged for each of these transactions. For that reason, I'm voting against the measure. Thank you."

Senator Tokuda rose in support of the measure and stated:

"I respect the comments made by the previous speaker in terms of the revenue loss, and I hope I can address some of those concerns in my statement. As a result of our joint House and Senate Investigative Committee on the Bureau of Conveyances, we did identify a number of recommendations that would result in a more secure and more efficient operation. Two options that were identified were removing time shares from Land Court and automating the system by instituting electronic filing. It has long been viewed by the industry that through modernization we would be able to help decrease the 15-month backlog that still exists in Land Court's recordations and increase efficiencies and output. Recognizing that both ideas will result in significant changes to the Bureau and their staff, this bill offers gradual but significant changes to the system. By removing time shares from Land Court, you will be removing tens of thousands of recordings per year. At an estimated \$11 per document in labor cost, you will now be freeing up these individuals to focus on reducing the backlog and handling incoming recordations. While very valid concerns have been raised that removing time shares from Land Court will reduce in a loss of revenue to the special fund—it's estimated that approximately \$336,000 annually would be lost by this—this bill empowers the Bureau to charge a \$5 transaction fee for every recording to assist in this transition from Land Court to the regular system and for their overall automation efforts. Based upon initial projections on the number of recordings for the coming year, it is expected that this fee would generate \$1.25 million which would help to

cover the existing shortfalls that exist as a result of overall reduction of Bureau transactions, assist with the upgrading of equipment, software and staff training. At the end of the day, it is my hope that we'll be able to provide the Bureau with the tools and the support that they need to become a more efficient and secure operation. I will say this: that since the conclusion of our investigation, I have seen many significant improvements made at the Bureau and the staff and management are to be commended for their hard work, their team efforts, and their willingness to change, and I look forward to working with them in the future. I would also point out that some of the estimates brought up previously were between the range of \$500,000 to \$1 million. This, I think, did not take into account the fact that mortgage recordings would still exist even if you moved these documents from Land Court to the regular system, and that's \$25 per mortgage recordings so those funds would not be lost to the special fund. Thank you."

Senator Kokubun rose in rebuttal and said:

"Again, my opposition to this bill is really drawing on testimony from staff from the Bureau of Conveyances. With respect to this registration backlog, the input that we're getting from the employees at the Bureau is that time shares were always a part of the daily recordings and really had no impact on any of the backlog at the Bureau. The point though is that we need to move the bureau to a computerized system, and there's a very valid reason we need to ensure that that happens. Now, please understand that I met on last year with the administrator for the Bureau of Conveyances on this bill and she intended to submit amendments to the legislation whereby the system would remain revenue neutral, which was my concern. We waited and waited but never got the amendments. So this year there is this bill surfacing again. I'm not sure if it was developed through the administration or not, but this is not a revenue-neutral bill, and we will, in fact, experience some loss in revenues. Therefore, I would like to err on the side of caution and ask that we examine this bill more closely with respect to the impact on future revenues. Thank you."

Senator Baker rose in support of the measure and stated:

"Just to note: this was a measure developed by our colleague who had considerable insights into the workings of the Bureau. During the testimony, while some of the employees did raise the issue of revenue loss, the bill adds a fee that would allow them to continue to do their modernization and continue to do their push to electronic documents, which is clearly the way that we need to be moving. In addition, there was every indication that morale is improved in the department, in the Bureau, in the area of them getting the resources that they need, and getting the training that they need, and clearly the Land Court was never designed to have the kind of multiple transactions that time share represents. Even the folks that testified with concerns for revenue acknowledged that. It's clearly, particularly as timeshare has morphed and has moved from having a land title to other kinds of ways of calculating and utilizing those units, it really doesn't belong to clog up the system as it has been doing with Land Court. So I acknowledge the concerns the Vice President raised, and I believe as this measure goes forward we can continue to look at, to make sure that it is in fact revenue neutral as it has been presented to us. Thank you."

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 503 was adopted and S.B. No. 1352, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hee, Kokubun). Excused, 1 (Kim).

Stand. Com. Rep. No. 504 (S.B. No. 1181, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 504 was adopted and S.B. No. 1181, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Kim).

Stand. Com. Rep. No. 508 (S.B. No. 295, S.D. 1):

Senator English moved that Stand. Com. Rep. No. 508 be adopted and S.B. No. 295, S.D. 1 pass Third Reading, seconded by Senator Gabbard.

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

"Just to note: this was a measure developed by our colleague who had considerable insights into the workings of the Bureau. During the testimony, while some of the employees did raise the issue of revenue loss, the bill adds a fee that would allow them to continue to do their modernization and continue to do their push to electronic documents, which is clearly the way that we need to be moving. In addition, there was every indication that morale is improved in the department, in the Bureau, in the area of them getting the resources that they need, and getting the training that they need, and clearly the Land Court was never designed to have the kind of multiple transactions that time share represents. Even the folks that testified with concerns for revenue acknowledged that. It's clearly, particularly as timeshare has morphed and has moved from having a land title to other kinds of ways of calculating and utilizing those units, it really doesn't belong to clog up the system as it has been doing with Land Court. So I acknowledge the concerns the Vice President raised, and I believe as this measure goes forward we can continue to look at, to make sure that it is in fact revenue neutral as it has been presented to us. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 508 was adopted and S.B. No. 295, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 93, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 93, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN FINANCING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 382, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Baker and carried, S.B. No. 382, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STADIUM AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 536, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Baker and carried, S.B. No. 536, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1199, S.D. 1:

Senator Hee moved that S.B. No. 1199, S.D. 1 pass Third Reading, seconded by Senator Tokuda.

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

Senator Hemmings rose in opposition to the measure and stated:

"Madam President, we often do things that have long-range implications and set precedents that may not necessarily be in the best interests of the people of Hawai'i. I've had a wonderful occasion to spend time on Moloka'i in some very remote areas, and the beauty of that island is overwhelming. When I was a young boy in 1966, I first slept on the sands of Hale Alono to wake up in the morning and paddle a canoe back across the Ka'iwi Channel to O'ahu. For the record, we didn't make it; it was storm warnings that year, and we barely got our canoe back in one piece. Paddlers from O'ahu would oftentimes—because resources were so limited on Moloka'i—fish for our dinner the night before the race, and the boys of Huinelo, whose Hawaiian ancestry goes deep into the sands of Waikiki, were joined by the rest of us in enjoying that wonderful part of Hawai'i.

"In recent years, I've heard it told that when the very prestigious Moloka'i to O'ahu canoe race goes to Moloka'i, there's some very, very aggressive, and some would say mean-spirited, people there, that basically say, 'Stay out. This is our island. You can't fish.' Is that really the kind of society we want to build? Does any particular group own any particular resource? And how do you divide that resource up?"

"Madam President and colleagues, I'm at the age now where I look at the big picture and I will tell you—and I certainly sympathize with perspectives on this—that growth is a problem. And it does take away from the quality of our life in many instances, especially those of us who enjoy the abundant blessings of nature these islands have. But can any of us afford to say, 'We don't want growth, but if we did we'd want it only under our terms, so everybody keep out'? That's what this bill is saying. If we can say it on Moloka'i, can we say it in other places? Can we go to the beautiful beaches of the leeward coast, or the offshore waters of Laupahoehoe, or Miloli'i and have a group of people say, 'Sorry, this is ours. We can't share it'? I don't even think the majority of the good people of Moloka'i would share in this mentality.

"I would urge my colleagues to really think twice about having this bill go the distance in this Legislature. It is setting a bad precedent that will further divide our people in providing an excuse and a foundation for militancy and the other problems that go along with it. So I urge my colleagues to vote 'no.'"

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

Senator Hee rose in support of the measure and stated:

"Members and colleagues, this bill is intended with long-range implications. It is intended with an eye on the big picture. It is written because growth is a problem and quality of life is disappearing. It is written because what once was the abundant blessings of nature are becoming scarce. And it is about taking control of your resources. And frankly, I gave thought to amending the bill for populations under 10,000, which would then have included Lāna'i and Ni'ihau.

"This isn't my bill, and this isn't a bill for Hawaiians. This is a bill for local people: Hawaiians and others. This is a bill because of, as Gordon Gekko would say, 'Greed is good.' This

is what happens when greedy people rape the oceans so that their reefs no longer have fish, so they go to somebody else's reef to take their fish. It's called *maha'oe* in Hawaiian, and it's because of the lack of *kuleana*, responsibility, respect for others. So if you go to Tamashiro Market today, you see lines of *uhu*, the caretakers of the reef. Lines and lines of *uhu*, red and blue, and I remember when I was a kid we never ate *uhu* because the fish doesn't taste good. But you buy *uhu* today because no more fish. So you take the *uhu* home, you take your mayonnaise jar, you slop in the mayonnaise, then you put in the tomato, then you put in the onion, then you put in the ginger. What is the *uhu*? The *uhu* is a starch in the meal. It's not like *kūmū*. You don't put mayonnaise in the *kūmū*. You don't put tomato. You don't put onion. You don't put ginger. You put little bit soy sauce. But no more *kūmū*. What happened? Gordon must've come first. He took the *kūmū*. No problem. Let's go to the Penguin Banks. Let's go get their *kūmū*. That's what this bill is about. This is about *kuleana*.

"There are those on this floor who I have brought fish from Moloka'i. They want to eat *kole*. No problem. There are those on this floor who have enjoyed the fish of Moloka'i. That was then, and this is now. It's my *kuleana* now. No more *kole* from Moloka'i at Clayton's parties. No more. Not because no more *kole*, but because that's not my *kole*. That *kole* belongs to *ma na'e*. That *kole* belongs to Lāna'i. That *kole* belongs to Ni'ihau. And when I take their *kole*, that's not my *kuleana*. That's *maha'oe* in Hawaiian. Not *nīle*; *maha'oe*. And if the bill, the author of the bill, had included islands under 10,000, I would feel the same way.

"This bill is symbolic of the long-range implications of what greed has done to this fair state with the abundance of fish. The sustainable islands are the islands under 10,000; not this island, not this island, not Maui, and pretty soon not Kaua'i. And it is not sustainable simply because the resources have been raped. Moloka'i may not have a good healthcare center, but if you're hungry, the abundance of *ke Akua* will take care of you because of the fish in the ocean and the deer in the mountain. It's not complicated. So yes, this is a clash between capitalism and culture. Market and subsistence. And at the end of the day, it's not about being Hawaiian, it's about *kuleana*. Thank you, Madam President."

Senator English rose in support of the measure and stated:

"Yes, I'm the author this bill, and I can tell you that what we're trying to do is return local control of the resources because those areas that still have resources are the remote areas: Hana, Lāna'i, Moloka'i, Ni'ihau, areas like this. And Moloka'i has a good track record of maintaining their subsistence and their subsistence is fishing, which is why this bill was put forward for Moloka'i. First of all, they asked for it. Secondly, I think that they have shown their ability to do it. The Mo'omomi Preserve is the first example that we created many years ago, and that has worked for Moloka'i and now if we expand it to the rest of the island, it allows them to control that resource. And you know we have to realize that our one-size-fits-all policy has not worked. The departments have recognized that. We're looking at the *'aha* systems, we're looking at returning local control of the fisheries. So, I ask that we support this measure, we move it forward, not only for Moloka'i but for all of us in Hawai'i. Thank you."

Senator Hemmings rose in rebuttal and said:

"I agree with many of the well-researched and articulate points made from the good Senator from the Windward side. And I do know that Mr. Gekko is not a lizard; he's a character in a movie. But nevertheless, the comments about greed are ill-founded because greed is found in all strata of life, not just in capitalism. If we were honest with ourselves, we would look at what the real problem is, and I tried to address it two years ago

in my opening day speech: that we're exceeding the carrying capacity of these islands. I guess everybody deserves to eat good fish. But the problem is not the greed of one group versus another; the problem is that there is just too much demand and not enough resources. Once again, this bill serves to divide us in not trying to address the larger problem, collectively, together. Basically it's saying, 'We've got ours. The rest of you eat *uhu*.'

"And I do have to comment on sustainability because I happen to know very well that there are 7,000 people plus on the island of Moloka'i and unfortunately, many good ventures to bring sustainability there through meaningful jobs and sharing of resources for the benefit of all have been turned away at the shores. Moloka'i has yielded, in my opinion, decision-making to their future, collectively, to the most vociferous and oftentimes law-breaking rebels. Moloka'i is not sustainable. The facts are, if you look at the social services, the entitlements and all the alleged rights that go along with them, then Moloka'i is extremely dependent on the rest of the state for subsistence, for social service programs, and fiscal assistance in every manner, shape and form. There is a much higher percentage of dependency on those programs, so if we were talking about self-sufficiency and sustainability, we should certainly consider those facts. It's very easy to stand up and try to elicit the emotions that are conjured up by this controversial subject, but our job is not to make decisions based upon emotions only, but to make it on facts. And this bill is symptomatic of a much, much, much larger problem, and I would suggest, as I said in my original remarks that this is only going to sow the seeds of further divisiveness and problems down the road. Thank you, Madam President."

Senator Hee rose again in support of the measure and stated:

"It's so interesting because he's absolutely right. Moloka'i has per capita, perhaps as high as other sections of O'ahu, the highest in government subsidies. So because it's true, why would you take their fish? If it's true. Why would anybody want to go take anybody else's fish? You know, the previous speaker's right. He's correct when he said, 'We got ours. Go get your own.' That's absolutely correct, and the reason Moloka'i got theirs is because O'ahu is not there. O'ahu has nothing. If you're going to spear fish in Waikiki, you better go on the first two days of every other year or you're not going get fish. That's a fact. Because all the time, the decades and decades and tons and tons of sand stolen from Hale Alono to re-sand Waikiki, and every summer the waves took the sand out and plugged up all the holes. That's why no more fish. That's not rocket science. That's called capitalism. It's called greed. So why would you then go, since you know no more over there, because they get? It's exactly what the previous speaker said, and that's why this bill is before us. It is because they have and we no more. It's called *kuleana*. You take care, you respect others, and you don't *maha'oe*. Thank you."

The motion was put by the Chair and carried, S.B. No. 1199, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 2 (Espero, Taniguchi). Noes, 2 (Hemmings, Sлом).

S.B. No. 389, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 389, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 387, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 387, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 646, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 646, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTABILITY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1197, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 1197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1113, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 1113, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GEOGRAPHIC LIMITATIONS ON TIME SHARES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Hee).

S.B. No. 213, S.D. 1:

On motion by Senator Espero, seconded by Senator Bunda and carried, S.B. No. 213, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 588, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 588, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONGOVERNMENT HEALTH PLAN PAYMENTS TO CRITICAL ACCESS HOSPITALS AND FEDERALLY QUALIFIED HEALTH CENTERS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1077, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 1077, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 430, S.D. 1:

Senator Ige moved that S.B. No. 430, S.D. 1 pass Third Reading, seconded by Senator Baker.

Senator Slom rose in opposition to the measure and stated:

"While certainly we want to have as many medical procedures as possible in this year of trying to have good health, we remain the only state in the Union with a mandatory prepaid health care act. Premiums have been rising, double digit each year. They fall hardest on small businesses and so any additional mandatory coverage in cost will fall, you know, unevenly on them, so I'm opposed to this. Thank you."

The motion was put by the Chair and carried, S.B. No. 430, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Sakamoto).

S.B. No. 794, S.D. 1:

Senator Ige moved that S.B. No. 794, S.D. 1 pass Third Reading, seconded by Senator Baker.

Senator Slom rose in opposition to the measure and stated:

"I rise to speak in opposition for the same reasons as stated before: to make it mandatory, additional costs on coverage. Thank you."

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 794, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Sakamoto).

S.B. No. 1222, S.D. 1:

Senator Taniguchi moved that S.B. No. 1222, S.D. 1 pass Third Reading, seconded by Senator Takamine.

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

Senator Galuteria rose in support of the measure and stated:

"Colleagues, the original intent of this measure began with an individual who had been hoarding animals in an inhumane manner for several years, confining cats, kittens and other animals in small carriers and traps and shopping carts and cages, 24 hours a day, 7 days a week, never letting them out. This bill was introduced to address gaps in the law, because according to reports, the response of the Humane Society, to which complaints about this individual's treatment of animals were directed, was in effect, they were unable to take action on the confinement of the cats because there is no law on the books. And secondly, that they do not believe the existing statute allows them to confiscate the abused animals. So, with that thought in mind, I ask that the measure be adopted. *Mahalo.*"

Senators Tokuda, English, and Sakamoto requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 1222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HUMANE TREATMENT OF PET ANIMALS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 7 (English, Hooser, Kim, Nishihara, Sakamoto, Tokuda, Tsutsui). Noes, none.

S.B. No. 199, S.D. 1:

Senator Kim moved that S.B. No. 199, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, S.B. No. 199, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 6 (Baker, Fukunaga, Gabbard, Ige, Ihara, Tokuda). Noes, none.

S.B. No. 292, S.D. 1:

Senator Kim moved that S.B. No. 292, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, S.B. No. 292, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FUNDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Ayes with Reservations, 2 (Baker, Tokuda). Noes, none.

S.B. No. 404, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 404, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE EMERGENCY AND BUDGET RESERVE FUND,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1111, S.D. 1:

Senator Kim moved that S.B. No. 1111, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, S.B. No. 1111, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Baker). Noes, 2 (Hemmings, Slom).

S.B. No. 881, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 881, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES’ BENEFICIARY ASSOCIATION TRUSTS,” passed Third Reading on the following showing of Ayes and Noes:

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

### RECOMMITTAL

S.B. No. 1626, S.D. 1:

Senator Sakamoto moved that S.B. No. 1626, S.D. 1 be recommitted to the Committee on Ways and Means, seconded by Senator Slom.

Senator Kim rose in support of the recommitment and stated:

“Madam President, in an effort to keep everything on the table during these unique times that we are in, we moved this matter forward always with the intention that if it was going to jeopardize the rail project that we would recommit this bill. Having receiving Senator Inouye’s letter—and I believe we did email it to every Senator—stating his concerns, we are recommitting this.

“I just want to thank the Ways and Means Committee for allowing the opportunity for us to continue to keep all the measures on the table. But at this time, I certainly support the recommitment. Thank you.”

The motion was put by the Chair and carried, S.B. No. 1626, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO

TAXATION,” was recommitted to the Committee on Ways and Means.

### THIRD READING

S.B. No. 21, S.D. 1:

Senator Taniguchi moved that S.B. No. 21, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

“We had a discussion and a public hearing on this bill, and it was brought out that there are more than 1,000 pages in the original bill and to my knowledge no one in the Congress has ever read the bill. I understand that one person here in the state of Hawai‘i has read most, if not all, of the bill to date, and that is the Governor’s chief policy advisor. I also understand that there are 66 pages of requirements, restrictions, prohibitions to the state as to what the state can do with this money. Everybody thinks that this is a pot of gold that’s coming from Washington, and this bill proposes to exempt the state from certain portions of the procurement law and other laws in order to facilitate what the federal demands under the ARRA are. I believe that these exemptions are not in the best interests of the state. I believe further that we are not going to get the amounts of money that have been called for. I believe even further that, in fact, if we do get the amounts of money that some of the unintended consequences, as well as the intended consequences, are going to be negative to the people of Hawai‘i. Thank you”

Senator Kokubun rose in support of the measure and stated:

“Madam President, I think there are more people than just one person in the entire state who has read the American Recovery and Reinvestment Act of 2009. I know that in Senator Inouye’s office there are several people who have read this federal law and know it quite well. I would also like to point out that, in fact, the essence of this measure—S.B. No. 21—was requested by the Lingle administration to be used as a vehicle in the event that they needed to be able to process the federal stimulus package monies quickly, which is why they have included the issues about procurement, etc. I think we don’t totally agree with all the provisions of SB21, but we needed a legislative vehicle to accommodate what the administration was perceiving as necessary in order to spend the money allocated from the Federal government. So I would respectfully ask my colleagues to support S.B. No. 21 at this point in time, that measure. Thank you.”

Senator Hemmings rose in support of the measure and stated:

“It’s with hesitation I do so. This bill is taking money from the most unprecedented move in national history, or possibly even world history. I don’t think any government in the history of humankind has made a larger expenditure for money they do not have. This is taking money from future taxpayers, close to \$780 billion, a number that, quite frankly, is hard to comprehend. So you ask why would I speak in favor of it? We’re sitting out here in the Pacific. No matter what we do, we’re going to have to pay it back. It’s our debt. So, we might as well attempt to try to share in some of the benefits that may accrue from it. What’s going on in Washington is absolutely profound when you think about it in relationship to federalism, when you think about it in relationship to controlling our destiny, when you think about it in terms of fiscal responsibility. What the Obama Administration has done is redefined the role of our government in the economy, and it isn’t pretty. There is a reason why America, under the free market system, rose to be the preeminent economy of the world; and that’s because we have freedom. Yes, there is a price to pay for a certain amount of government services but the balance of power always rested with the consumers. They were the beneficiaries and regulators of a free economy. We made the



choices, and eventually if something didn't work, we got rid of it; not just throw more money at it.

"This bill also challenges federalism. The Founding Fathers were very explicit and if you read, as I've said before, Madison's Federalist Paper No. 45, you will see that the powers delegated to the national government were few. Not so any more. Huge amounts of money are being spent, allegedly on our behalf, and being squandered. I'll give you one example: Jimmy Carter started the Federal Department of Education and it's been downhill ever since in spite of the fact that the last I checked the Education Department at the federal government level was spending \$60 billion a year.

"But how does the common man speak on what is happening in Washington? How do they speak about the Reinvestment Act? By the way, it's cleverly named, as so many things out of Washington are. Well, you know one of the great barometers of the economy is the stock market, and I can guarantee you, Madam President and colleagues, that the stock market does not invest in the past. The stock market invests in the future. It looks at what's happening with the economy and investors' retirement funds, people's pensions, union funds, individual investors, and they say, 'Yes, we want to invest. Things look good.' But since the election of this President, in its unprecedented march to a Keynesian socialist state, the stock market has spoken extremely loud and clear: it has fallen. And I know there'll be some that will say, 'Well, we have to look back to the past and blame others.' But the market doesn't do that, Madam President. It looks to the future and makes its investments accordingly.

"I'm voting in favor of this legislation because, as I said, it is money we're going to have to pay back or our children or our grandchildren are going to have to pay back. But to borrow \$780 million and then to pass a budget addition for the fiscal year of '09 for another \$410 billion, in two months the national debt will have increased to \$1.2 trillion. Right now, our national debt is approximately \$11 trillion; comes about the about \$37,000 for each of the 305 million people in our population. For a family of four, maybe your family, you owe the federal government about \$144,000. This is further exacerbated by the fact that this is not going to stimulate the economy. This is a government stimulated bill. It's going to invest in more dependency. Rather than empowering jobs to be created, it's going to subsidize dependency. Rather than empower the marketplace to expand opportunities as we know tax cuts have done by verified fact, it continues to invest in government programs that subsidize and enable dependency. It's rather ironic that I have to feel compelled to vote in favor of this bill after sharing what I think will be the dire consequences of it. But the reality is we should get some benefit from the terrible price we're going to have to pay to fund what is ironically called the American Recovery and Reinvestment Act. Thank you, Madam President."

Senator Slom rose in rebuttal and said:

"Just a very brief rebuttal. First of all, I want to thank my colleague for reminding us that this was an administration-supported bill because I know how the Majority rushes to support administration bills and administrative procedures. But I would also like to remind everyone that one of the processes that is taken out in this bill. And by the way, this bill was a gut and paste. It started out as a very innocuous bill having to do with language revolving around the definition of 'jurors' in the State, so we came full cycle to a completely different bill. But in the process of procurement right now, if someone files a protest to the bid process, the project itself is held up until that process is fully investigated and we find out that we're not doing something illegal or that we're not wasting money or that the prospective contractor is unable to fulfill the terms of that bid. In this bill here, one of the exemptions is if a protest is

filed, too bad. It doesn't matter because the project will then go ahead. There is no process for reviewing of projects. It will be built, the money will be expended, and so we have a great deal of possibility of wasted money—possibly fraudulent money—and we're not doing our due diligence in looking at bills like this. Thank you."

Senator Kokubun rose in rebuttal and said:

"I want to emphasize to the good Senator from Hawaii Kai the fact that this truly is a work in progress, and to reiterate that this was a last minute measure that was requested by the Lingle administration. I agree with him that there are concerns in the bill, particularly with respect to procurement. There are also issues with respect to civil service that are going to be 'shortcutted', if you want to call it that. So, I agree that we do need to continue to take a look at this but again would remind all of us that the bill was developed to accommodate what the Lingle administration is perceiving as an issue with respect to how these monies can be spent. Thank you very much."

The motion was put by the Chair and carried, S.B. No. 21, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 605 (S.B. No. 1152):

Senator Taniguchi moved that Stand. Com. Rep. No. 605 be adopted and S.B. No. 1152 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in support with reservations and stated:

"I have supported for the last several years the legislation that seeks to protect important agricultural lands, and I still do. However, I'm a little concerned about this bill for a number of reasons. First of all, it does establish a 100-year moratorium on lands in just two specific senatorial districts on the island of O'ahu. One hundred years is an awful long time. Things may change; times may change, the legislature certainly will change, and many of the people in these areas may change. So, I'm just wondering, I call into question just how prudent it is for the 100 year term. I don't think that really it is going to guarantee that we protect important agricultural lands. We will still strive to do that, so I will support it with reservations. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 1152, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 611 (S.B. No. 163):

Senator Kim moved that Stand. Com. Rep. No. 611 be adopted and S.B. No. 163 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support of the measure and stated:

"I rise in support but I would like to note that a number of years ago, we had very spirited discussion about putting the DOE in a business-like mode, and we're going to hire these people to help them do it, business and fiscal officers and all that. I haven't heard any response or any success that we had in this endeavor. I think it's still important to put the DOE in a business-like fashion, and that's why the best thing that we can do is to implement the requirements set forth by the Auditor. Thank you."

Senator Sakamoto rose in support of the measure and stated:

“Currently they have a chief financial officer, Mr. Brese, who’s in place, and they have fifteen complex area business managers; so in lieu of district managers, they have complex area business managers to support the fifteen complex areas.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 163, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 616 (S.B. No. 1308, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 616 be adopted and S.B. No. 1308, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure and stated:

“There’s no irony in the fact—well, there’s tremendous amount of irony, excuse me, for me speaking—that just several years ago this Legislature and some of the proponents of this bill told us how wonderful the Teacher Standards Board was and that we had to reorganize it, and we had to make sure the Governor couldn’t appoint some independent thinkers to it, that the foxes would be in charge of the henhouse, and that everything would be hunky-dory. And now, we’re changing it again.

“As much as the Teacher Standards Board has been a victim of conflicts of interest and problems, I don’t believe the DOE is that much better. And until we come to grips with a comprehensive reform of the Department of Education in all aspects of it, such as teacher licensure, we’re going to continue to shuffle the chairs on the proverbial deck of the Titanic. And this is simply what we’re doing again; actually very similar to what we’re doing with the Hawai’i Health Systems Corporation—no dramatic systemic reform, just piecemeal changes like this. I thought we solved this problem two years ago but evidently we didn’t. So I urge my colleagues to vote ‘no,’ go back to the drawing boards, and give the people of Hawai’i education reform rather than sustaining the status quo. Thank you, Madam President.”

Senators Kidani, Tokuda, Tsutsui, Ihara, Ige, English, and Nishihara requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 616 was adopted and S.B. No. 1308, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 7 (English, Ige, Ihara, Kidani, Nishihara, Tokuda, Tsutsui). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 618 (S.B. No. 241, S.D. 2):

Senator English moved that Stand. Com. Rep. No. 618 be adopted and S.B. No. 241, S.D. 2 pass Third Reading, seconded by Senator Gabbard.

Senator Slom rose in opposition to the measure and stated:

“You know, for the last couple years in the name of alternative energy, we have passed bills mandating certain actions and being very narrow in their scope. They all have one thing in common: they add to the cost of housing, they detract from choices of individuals. This bill mandates the use of cool roofs for all new residential buildings. My understanding is it deletes the exemption for requirements for photovoltaic systems, and I think that while it may have benefits in certain

segments of the construction industry, it’s going to have unintended consequences in others. Thank you.”

Senator Gabbard rose in support of the measure and stated:

“Colleagues, this bill would mandate all new residential and commercial construction in our state to have these cool roofs beginning in 2011. And, as you might know, cool roofs refer to special roofing material that reflects the sunlight and carries the EPA’s Energy Star label. There are exemptions, though, in the bill for the portion of the roofs that are covered by solar energy systems, buildings equipped with on-site photovoltaic systems sufficient to cover its daytime energy usage, and also for buildings without heating or cooling systems. So, I urge my colleagues to please support this bill. *Mahalo.*”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 241, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 620 (S.B. No. 604, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 620 be adopted and S.B. No. 604, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

“We have debated this bill, or forms of this bill, for many years and up until this point, there was always an exemption provided for those private and religious hospitals. We did not interfere with them. This bill does, and mandates that they provide information even though it is against their best wishes to do so. Thank you.”

Senator Baker rose in support of the measure and stated:

“Madam President, colleagues, sex assault is a life-threatening event and one that leaves victims not with just physical injury, but often with long-time, long-term emotional scars—might be depression, anxiety, intense fear—and according to the most recent Crime in Hawai’i report, there were 377 forcible rapes reported to law enforcement in Hawai’i in 2007. While the overall crime rate was down, the rate of forcible rape increased by 3.9 percent, certainly not a statistic any of us can be very proud of.

“The lingering health concerns are simply exacerbated by the trauma of a sex assault, and victims need to have access to good information and the assistance that EC provides. They shouldn’t be forced to have to seek out another facility and deal with all of that while trying to be concerned about the reality of their own reproductive health concerns following an assault. No woman should have to face an unwanted pregnancy in the aftermath of rape. I would note before somebody brings it up that EC is a safe, effective means of preventing pregnancy after a sex assault. It is not an abortion pill. It does not cause an abortion. EC is a higher dose of contraceptive similar to the commonly used birth control pill. Providing EC to sex assault is the best practice in emergency medical care, as recognized by both the American Medical Association and the American College of Obstetrics and Gynecology. And I would note, with regard to the issue raised by the Minority floor leader with regard to a religious exemption, the bishop in cyclical in the United States uses EC as acceptable standard of care for persons who have been convicted of sex assault. I would also note that the hospital most normally considered or being concerned with a religious exemption is really not a religious hospital anymore. The only aspect of that hospital that remains religious is the debt. It is not run by the Sisters anymore, and although the bishop in Hawai’i has expressed some concerns, the overriding Roman Catholic doctrine in this country acknowledges EC,

allows EC, and it is practiced in many, many Catholic hospitals in the state. We should not be putting victims of sex assault through another trauma of trying to find the best medical care simply because there might be a doctor or so in a hospital who doesn't want to acknowledge the standard of care for dealing with sex assault. Thank you, Madam President."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 604, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY CONTRACEPTIVES FOR SEXUAL ASSAULT SURVIVORS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Sakamoto). Noes, 2 (Gabbard, Slom).

Stand. Com. Rep. No. 621 (S.B. No. 1183, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 1183, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRACTICES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 622 (S.B. No. 449, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 622 be adopted and S.B. No. 449, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

"I must say that in committee, because of very, very limited testimony, I supported the bill. I was under the impression, as I'm sure were many of my colleagues, that this bill has to do with the release of confidential patient information. After I did receive late testimony and did do additional research on this subject, I found out that the bill, first of all, narrows the scope of the prohibition to apply only to pharmacies licensed in Hawai'i and excludes mail order or internet pharmacies. It applies the prohibition to medical doctors licensed to practice only in this state and not others. The data that is collected from health care providers is collected on a voluntary basis and it includes a collection of both brand name and generic prescriptions. No identifiable patient data is disclosed. The prescription data that is collected is used first of all to comply with federally-mandated safety reporting requirements; secondly, to educate physicians about technical development and adverse reactions to the drugs that they provide; thirdly, to inform physicians about any changes due to label changes or any drug recalls and to facilitate the delivery of product samples to appropriate physicians. The practice of the voluntary collecting of information insures compliance with FDA regulations, and it actually decreases the overall marketing cost for pharmaceuticals. So, in conclusion, HIPAA requirements absolutely protect patient-identifiable data to be released to the general public and only the identified prescription data is allowed to be used. So, I would urge a 'no' vote on this bill."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 449, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PATIENT PRESCRIPTION INFORMATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 623 (S.B. No. 1621, S.D.2):

Senator Taniguchi moved that Stand. Com. Rep. No. 623 be adopted and S.B. No. 1621, S.D.2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

"We've talked about this bill before. This bill is the hallmark of the end of hope, the secret ballot, and freedom of choice as we know it in the world. Frankly, I'm really confused as to why so many of my colleagues who talk a good story about increasing the right to vote and availability of choice and all of that are so supportive of this symbolic unionization bill which removes the ability for workers to vote in a secret ballot and instead allows a union organizer to walk into any business of any size, any type, at any time and hand out in the face of other workers and the employer cards asked to be signed if you want to join the union. And if more than 50 percent of the signatures are recorded, then voila! We don't need an election, we don't need any secrecy, we don't need any privacy, and we don't need any choice. We then have unionization. The targets for this bill will be small businesses and agricultural workers, no doubt about it. It will increase the cost, but more importantly it will take away choices from individual workers, something that we've always talked about—the sanctity of the vote, the sanctity of the secret ballot. But in this case, in this one area of unionization, then it's okay to deprive workers of that ability. In addition, what this bill does is to supersede or suspend certain civil and criminal rights that employers and employees would have against unauthorized use of force or unauthorized use of trespass against employers and private individuals. It is the only law that I can think of that, in a wholesale fashion, not only wipes out the right of secret ballot but also creates a super special type of legal representation for unions. It is also ironic that while union membership—private union membership, not to be confused with government union membership—has declined in all states except two, those states being New York and Hawai'i. We have no problem in organizing our workers here. They have been organized, and yet some people feel that we've got to go that extra step and deny people the right to vote. I notice that some of my colleagues have already left the floor. It will be interesting to see if they come back in time for the vote. But I think this is a terrible thing to do, and I think people should stand up and be counted and explain why it is so important to take away the right to vote. Thank you."

Senator Takamine rose in support of the measure and stated:

"Madam President, firstly, we need to understand what is before us. Maybe establishing a framework is good because what this bill does is to amend chapter 377, which is referred to as the 'Hawai'i Employment Relations Act' and also referred to as the 'Little Wagner Act'. As the Senate President is well aware, the National Labor Relations Act is the federal law and there is a preemption provision included. What we are talking about is Hawaii Revised Statutes, chapter 377. The essence of chapter 377 in Section 4 of this measure identifies understanding the purpose of this chapter. Section 4 also sets forth the 'rights of employees' and provides that 'employees shall have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection.' The rights of employees establishes the foundation for why this chapter is in the Hawai'i Revised Statutes. However, it also reflects a broader basis for support and that is our Constitution which again underscores those very rights, which as a result of the 1978 Constitutional Convention, established Article XIII. Article XIII is entitled, 'Organization; Collective Bargaining.' Under section 1 of Article XIII there is a section entitled, 'private employees.' Our Constitution states that 'persons in

private employment shall have the right to organize for the purpose of collective bargaining.’ As the President is well aware, Section 2 deals with the similar right in the public sector; and so, by putting this before the people of Hawai‘i, given our history, the people have established and embedded these principles within our state Constitution.

“As I stated earlier, Madam President, the federal law does provide for preemption and therefore the National Labor Relations Act impacts on the vast majority of all workers throughout our country. Where the national act does not provide coverage, the states are allowed to provide lawful provisions that govern the similar rights to collective bargaining in those jurisdictions. Based on a review by the Legislative Reference Bureau, we know that the workforce in our state is about 625,000 to 630,000, and from that same review almost 80 percent of those would be governed by the National Labor Relations Act. What that means is that chapter 377 would have no impact on these workers. And that amounts to about 491,750 workers. In addition, collective bargaining in the public sector, which again is not affected by chapter 377, or about 90,350 workers—it’s about 15 percent of that workforce. So, we have between what is NLRB jurisdiction and the public sector, both of which are not part of this bill, approximately 95 percent of the workforce is covered. Therefore, the remaining 5 percent are under the provisions of chapter 377, as well as the Federal Railway Act and also provisions of federal employee laws. So I think it’s safe to say that less than 5 percent of the employees in the state of Hawai‘i workforce would be impacted by this provision.

“However, as the previous speaker has indicated, to some degree, this has taken on symbolic significance. And again, this is sort of a parallel to what is referred to as the ‘Employee Free Choice Act’, which is now being considered by the United States Congress. I think maybe it’s important to start there and to understand why there is a need for a bill like this. As Madam President may be aware, you know the Congress has, at least in the House of Representatives, acted on this, and they’ve had their findings put forth in the 110th Congress, 1st Session Report 110-23. To go to the very heart of the purpose for the provision itself, Congressional Session Report explains the basis for the provisions encompassed in this bill before us. Page 8 of the report states, ‘for more than 70 years, workers’ freedom to organize and collectively bargain has depended upon the effectiveness of the National Labor Relations Act. Today, the National Labor Relations Act is ineffective and American workers’ freedom to organize and collectively bargain is in peril everyday as a result. The numbers are staggering: every 23 minutes a worker is fired or otherwise discriminated against because of his or her union activity.’ In stepping back and looking at the big picture, the Congressional Report goes on to state, ‘In 1969, a little over 6,000 workers received back pay because of illegal employer actions. That number has risen by 500 percent although the percentage of the private sector workforce that is unionized has declined over the same time period, from nearly 30 percent to 7.4 percent.’ So, while the previous speaker did refer to the experience in the states of New York and Hawai‘i, and yes, I believe we are second to New York in unionized workers, we have not escaped this decline in terms of the impact of how the National Labor Relations Act has deteriorated.

“I think if we were to begin looking at that, Madam President, it really focuses in on the election process, and I think it’s very important because that is the essence of this bill. The impact on workers and what it does, and understanding that, I believe, is of critical importance. Because this is a parallel to the Employee Free Choice Act, let me cite basically that the federal law would provide for cross-check recognition and the process of elections, which were discussed in our public hearings. In those hearings, there were three primary factors

that were referenced which tend to illustrate the basis for this and distinguish the difference between elections such as ours to elect officials in the state, and the NLRB elections. This was brought out in testimony from Dr. Gordon Lafer. In Dr. Lafer’s testimony, he talks about three factors. The first factor is access to voter lists; the second factor is economic coercion of voters; and the final factor is free speech and equal access to media. Now in our own elections we know that when we decide to run, access to the voter lists—by the very people who make the decision—is critical. In a nutshell, in the NLRB elections, the employer has that list from the get-go. Whereas the union, until certain procedural proceedings occur, may not even be able to get that list. In fact, if they do get that list, it may not even be complete. It’s interesting because the point made in the testimony was that if we imagine this system being applied to senatorial elections—that is, NLRB elections to senatorial elections—where one candidate had the voter rolls two years before election day, while his or her opponent was restricted to a partial list and only got it a month before the vote, none of us would call this a free and fair election.

“Point number two, Madam President is economic coercion. Again in the testimony, Dr. Lafer points out that in elections it is illegal for a private corporation to tell its employees how they should vote or to suggest that if one party wins, business will suffer and workers will be laid off. Supervisors or managers can’t say anything to those they oversee that amounts to endorsing one side or the other. But, in NLRB elections, this kind of intimidation is completely legal. Standard employer behavior involves having mass meetings where upper management attacks the idea of unionization, and then having supervisors telling each of their subordinates personally that they should vote against the union. In this way the NLRB elections maximize exactly the kind of behavior that is banned in regular elections.

“The third factor, Madam President, is free speech and equal access. Free speech is the cornerstone of American democracy, yet when you talk about NLRB elections, the most basic standard of freedom is ignored. Management is allowed to plaster the workplace with anti-union leaflets, posters and banners while maintaining a ban on pro-union employees doing likewise. Anti-union managers are free to campaign against unionization all day long, any place in the workplace, while pro-union workers are banned from talking about unionization except on break time. The most extreme restriction on free speech is employers forcing workers to attend mass anti-union meetings. Not only is the union given no equal time, but pro-union employees can be forced to attend with the condition that they do not open their mouths. Madam President, this tends to begin shining the light on why this bill is before us and why an additional option, in addition to an election process, is being proposed.

“Those are the basic representations that are being made, but what is the actual impact and what is the actual impact of that in Hawai‘i? For that, Madam President, we took a look at the election results, specifically NLRB election results in our state for the past 12 years. What did we find? Basically if you were to compare the most recent 6 years to the 6-year period before that, we find that the total number of elections have declined. They’ve gone from an average of 30 a year to 18 a year. In addition, the number of wins by unions has gone down also, from an average of 15 per year down to 10 per year; or about a 33 percent drop. Of course, this is NLRB results, which is outside the jurisdiction of this bill. This bill deals with the Hawai‘i Labor Relations Board and Chapter 377, and what is the experience there? If we were to look at the same 12-year period, and if we the 6-year period prior to that, we see that there were a total of 6 elections: 3 won by the unions, 3 won by the employer. If we were to look at the most recent 6-year period, there were only 2 elections held before the Hawai‘i

Labor Relations Board, and in both of those instances the union lost.

“So, what do we gather from this, Madam President? I would submit to you that I think this is a vehicle for restoring the balance. If we were to look at the actual rights that are trying to be addressed here, this measure provides tools to restore that balance. However, I’m not so sure this discussion or debate should be reduced to whether we are ‘for’ unions or ‘against’ unions or whether unions are good or not so good. I think maybe if we focus on the impact on working families, focus on the quality of their lives, focus on their struggle to make ends meet, maybe that’s a more meaningful context to discuss this measure in. With respect to that, I would like to refer back to the purpose of the Employee Free Choice Act, which is stated on page 3 again of the Congressional Report 110-23. The Report states, ‘the Employee Free Choice Act of 2007 seeks to strengthen and expand the American middle class by restoring workers’ freedom to organize and collectively bargain under the National Labor Relations Act. The bill reforms the NLRA to provide for union certification through simple majority sign-up procedures: first contract mediation and binding arbitration and tougher penalties for violations of workers’ rights during organizing and first contract drives.’ Now, in talking about that, if we were to look at other observations the Congressional Report, I believe it tells us something about rebuilding the middle class and how to do it from the perspective of working families. I would also note that the same congressional report also states that the link between the Employee Free Choice Act and new hope—new hope—for a more vibrant American middle class is evident in the numbers. By every measure, workers who join together to bargain for better wages, benefits and working conditions, do indeed receive better wages, benefits and working conditions. This union difference is confirmed by the Bureau of Labor Statistics. Unionized workers median weekly earnings are 30 percent higher than non-union workers. The Congressional Report also notes, 88 percent of unionized workers have employer-provided health insurance, while only 49 percent of non-union workers do; 68 percent of unionized workers have guaranteed pension under a defined benefits plan, while only 14 percent of workers who are not unionized do; and 62 percent of unionized workers have the protection of short-term disability benefits, while only 35 percent of non-unionized workers do. It’s interesting in the Congressional Report, Madam President, because it goes beyond sort of the union and non-union distinction and talks about how, on a broader level, the dynamics help to improve the overall economic environment. The Report states, ‘strong unions set industry-wide standards that benefit workers across an industry regardless of their union or non-union status. Moreover the threat of unionization often leads employers to attempt to match or approach union pay and benefit scales in order to discourage unionization.’

“Now, a second point that is made in the Congressional Report is with respect to the impact on the general workforce. The Report states, ‘unions as the only organizations explicitly representing workers, have been instrumental in building and preserving nationwide and statewide systems of social insurance and workers’ protections, such as workers’ compensation and unemployment insurance, occupational, safety and health standards, and wage and hours laws, such as the minimum wage, the 40-hour workweek and overtime premium pay. All Americans reap the benefits of these laws and programs regardless of their union or nonunion status.’ It’s interesting because in the studies that were done, they even talk about greater competitiveness and productivity and citing the report it further says, ‘more robust unions not only stem the middle class squeeze, but contribute to a high road competitiveness, a more broadly shared prosperity that benefits workers’ families, as well as consumers and shareholders.’ It

goes on to state, ‘A number of studies show how unionization and productivity often go hand-in-hand. For example, greater fairness on the job and wages that reflect the company’s success lead to more motivated employees. Unions foster greater commitment and information sharing between employees and management. A 1984 study found that approximately 20 percent of the union productivity effect resulted from lower turnover in unionized firms.’ The Congressional Report further states, ‘Lower turnover means lower training costs, and the experience of more seasoned workers translates into higher productivity and quality.’

“Madam President, I think that when we consider all of this, again we need to apply it to our state and what the situation is here. The Department of Labor and Industrial Relations does keep records regarding pay levels of various members of the workforce and the average pay by industry. When you look at agricultural workers, which would be the primary component of the workforce that is impacted by this bill, the average annual wage is \$29,567. When you take into account all workers in the workforce, not only unionized workers, even non-union, but all of the workers in the workforce, the average is \$39,465. So, agriculture workers are making a little less than 75 percent of what all workers are making right now.

“In conclusion, Madam President, basically this is a bill that I realize has taken on symbolic significance. When we really look at what the bill does, it impacts less than 5 percent of the employees in our state. The measure tries to provide for an additional option, not to take away the right to vote, but to provide for an additional option of card check in determining whether a group of employees wants union representation. And, if anything, I think the overarching goal here is those economic improvements in the lives of families, in the lives of people. If we’re looking at trying to turn the economy around here as President Obama is doing at the national level, I believe that this will be part of rebuilding the middle class. If I can just take one final quote from the Congressional Report, it says that ‘the Employee Free Choice Act restores needed balance to a process that has become increasingly dysfunctional. As we have seen, denying workers the right to form a union has important consequences for the economy and the political process. Workers’ freedom to form unions is and should be considered a fundamental human right. All Americans lose, in fact democracy itself is weakened, if the right to unionize is formally recognized, but undermined in practice. Strengthening free choice in the workplace lays the basis for ensuring a more prosperous economy and a healthier society.’ Because of the foregoing considerations, I will be supporting this measure. Thank you, Madam President.”

Senator Slom rose in rebuttal and said:

“Let me say that I enjoyed the educational and entertaining historical perspective given by the Senate Labor Chairman. When I was a kid I really enjoyed magicians, and of course the basis of magic is sleight of hand. And I think that that presentation took away from what I was arguing for and what we should be concentrating on, and that is the right to vote and the secret ballot. And nowhere in that discussion really was there anything that should dissuade anyone who has a belief in the inherent right of voting and secret ballot.

“There’re so many things to talk about here. It is true that unions have lost votes here in Hawai‘i. Many other people have lost votes as well. But now, because they have lost votes in a secret ballot, in a freedom-of-choice situation, the proponents of this kind of legislation, nationally and in Hawai‘i, seek to obviate and eliminate the voter process. I heard the Labor Chairman say that now they have an alternative. Well, they don’t have an alternative. If the card-check legislation is passed, those employees covered under our Hawai‘i Revised Statutes will not have a choice. They can’t say, ‘Well, I’d

rather vote for it or not vote for it.' They will not be able to vote, and that is pure and simple. Now, I didn't bring up any discussion as to union versus non-union. And I know that a number of legislators in this body periodically march hand-in-hand, arm-in-arm with unions who are striking or informationally picketing employers in this town, and that's fine. That's their right. That's their decision. But don't tell me that it's not fair for unions. The only issue I would raise is not whether or not to have unions. The issue should be compulsion: whether you get to force somebody to pay union dues, to listen to union political statements, and to abide by what the union says when the individual worker doesn't want to do that. It would be the same thing as forcing people who start business to forcibly join and pay dues to the Chamber of Commerce of Hawai'i or Small Business Hawai'i or NFIB or another organization. The issue there is force and compulsion and lack of choice, and I find it beyond irony that this bill has been subtitled as the 'Free Choice Act,' because exactly what we're doing is taking away that choice and a fundamental right, and the best part is you all know that. You can dress it up, you can put makeup on it, you can walk it to town but it's still at the end of the day, the same thing: we are taking the right to vote and privacy away from one group of people.

"Senate Labor Committee Chairman said only 5 percent of the labor force would be affected by this. Well, it's not true; 5 percent additional, other than those that are already unionized. And if we use his figures of 650,000 in the workforce, then we're talking about another 32 to 35,000 workers who would be subject to this. But the bottom line is this: if all of those allegations that he made and all of his complaints with the NLRB are correct, first of all, we don't need and shouldn't have employers. We should outlaw employers and let the unions run the economy in the state. Let's see, what did they do? We used to have a sugar economy; we don't any more. We used to have a pineapple industry; we don't any more. We can look at other examples that we don't have any more. And if we pass this kind of legislation, instead of job creation we will have job destruction. But if these allegations were true, or even if some of them were true, about the employers and what they do or what they don't do, that more than ever cries out for a silent and secret ballot so that employees can say, 'Yes, this employer is a jerk and I want to be unionized and I will vote for the union.' But as the good Senator has shown in the most recent elections, they haven't taken that position; they've taken the opposite position. And so because these unions have been unable to gain not only the trust but also the support of many workers, they want to take away that ability. It's wrong, Madam President. It's wrong and we should not support this. Thank you."

Senator Sakamoto rose in opposition to the measure and stated:

"I think the issue for me is it's a contrast between the big unions and small business, and in Hawai'i many of our jobs—most of our jobs—are small businesses. And there's a fear that this issue will harm them. And I'm sure that the good Chair, the Labor Chair, can say who's in and who's out, who's maybe, who's the goal, but the real problem if we were to pass this legislation and it were to become law is that it casts another shadow. It's casting a chill over small business. So I ask my colleagues to respect workers, respect unions, but also allow our small businesses to thrive in the sunshine versus in chilling shadows."

Senators Ige, Ihara, Espero, Gabbard, Green, Kim, and Kidani requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 1621, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE

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

Ayes, 21. Ayes with Reservations, 7 (Espero, Gabbard, Green, Ige, Ihara, Kidani, Kim). Noes, 4 (Hemmings, Nishihara, Sakamoto, Slom).

Stand. Com. Rep. No. 624 (S.B. No. 969, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 969, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RESTRICTED ACCESS TO CORRECTIONAL FACILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:55 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:37 p.m.

Stand. Com. Rep. No. 625 (S.B. No. 478, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 625 was adopted and S.B. No. 478, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 1 (Slom). Excused, 4 (Bunda, English, Hemmings, Kim).

Stand. Com. Rep. No. 627 (S.B. No. 1148, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 627 was adopted and S.B. No. 1148, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Bunda, English, Hemmings, Kim).

Stand. Com. Rep. No. 628 (S.B. No. 1054, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 628 was adopted and S.B. No. 1054, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 2 (Kidani, Slom). Excused, 4 (Bunda, English, Hemmings, Kim).

Stand. Com. Rep. No. 629 (S.B. No. 1056, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 629 was adopted and S.B. No. 1056, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Kim).

Stand. Com. Rep. No. 630 (S.B. No. 212, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 630 was adopted and S.B. No. 212, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, Kim).

Stand. Com. Rep. No. 633 (S.B. No. 967, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 633 be adopted and S.B. No. 967, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

"I'm, I guess, alarmed that we keep adding every year more and more pharmaceuticals to the cover list of drugs not available to people within the state, and I think that we kind of weaken the law by doing that, and I think we should reexamine it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 633 was adopted and S.B. No. 967, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 635 (S.B. No. 1059, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 635 was adopted and S.B. No. 1059, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hemmings). Excused, 1 (Bunda).

Stand. Com. Rep. No. 636 (S.B. No. 645, S.D. 2):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, Stand. Com. Rep. No. 636 and S.B. No. 645, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," was recommitted to the Committee on Water, Land, Agriculture and Hawaiian Affairs.

Stand. Com. Rep. No. 637 (S.B. No. 560, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 637 was adopted and S.B. No. 560, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 638 (S.B. No. 1343, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 638 was adopted and S.B. No. 1343, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEES AND OTHER ASSESSMENTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 639 (S.B. No. 754, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 639 was adopted and S.B. No. 754, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 641 (S.B. No. 1165, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 641 was adopted and S.B. No. 1165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 642 (S.B. No. 38, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 642 was adopted and S.B. No. 38, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX ON TOBACCO PRODUCTS OTHER THAN CIGARETTES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 643 (S.B. No. 266, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 643 was adopted and S.B. No. 266, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GLOBAL WARMING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 644 (S.B. No. 746, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 644 was adopted and S.B. No. 746, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 645 (S.B. No. 821, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 645 was adopted and S.B. No. 821, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELDER CARE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 646 (S.B. No. 1140, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 646 was adopted and S.B. No. 1140, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 648 (S.B. No. 1332, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 648 be adopted and S.B. No. 1332, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"I think this is one of these bills that requires the Auditor's sunrise analysis before going into creating new licensure. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 648 was adopted and S.B. No. 1332, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 650 (S.B. No. 1313, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 650 be adopted and S.B. No. 1313, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Taniguchi, Ihara, and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 650 was adopted and S.B. No. 1313, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 3 (Chun Oakland, Ihara, Taniguchi). Noes, 1 (Gabbard). Excused, 1 (Bunda).

Stand. Com. Rep. No. 651 (S.B. No. 830, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 651 be adopted and S.B. No. 830, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

“Yes, Madam President, I’m voting ‘no’ on this bill because it establishes the shared services technology special fund.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 651 was adopted and S.B. No. 830, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GOVERNMENT SHARED SERVICES TECHNOLOGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 652 (S.B. No. 1277, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 652 be adopted and S.B. No. 1277, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sakamoto rose in support of the measure and stated:

“I rise in support of the measure, and I have passed out to the members sort of a matrix showing many different bills that we have related to housing in different capacities. Some ideas are in this measure, but I would ask that the matrix, as well as a summary, be inserted in the Journal.”

The Chair having so ordered, the matrix and summary are identified as “**ATTACHMENT A**” and “**ATTACHMENT B**” to the Journal of this day.

Senator Slom rose in opposition to the measure and stated:

“My opposition is that it increases the conveyance tax; even though it’s on a higher amount, \$1 million is still an increase in the tax. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 652 was adopted and S.B. No. 1277, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 655 (S.B. No. 1096, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 1096, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY WORKFORCE AND DEVELOPMENT,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 656 (S.B. No. 579, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 656 be adopted and S.B. No. 579, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 579, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 2 (Sakamoto, Taniguchi). Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 661 (S.B. No. 1060, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 1060, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIREWORKS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 666 (S.B. No. 638, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 638, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Hemmings, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 668 (S.B. No. 294, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 294, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE DEPARTMENTS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 669 (S.B. No. 287, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 669 be adopted and S.B. No. 287, S.D. 2 pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose in support of the measure and stated:

“I rise in support of this measure, but I have some comments and that is we’ve had a very successful geothermal energy operation for more than 15 years now, and I think that if we want to have more geothermal and more alternative, that we should remove some of the taxes and the disincentives for this kind of opportunity. Thank you.”

Senator Kokubun rose in opposition to the measure and stated:

“There are three issues with this bill that I have a hard time agreeing with. First, it’s directed at the county with the largest land mass in the state. Obviously, that’s the Big Island. The proven resource is there, and the developer is doing a very admirable job in terms of generating electricity. In fact, Puna Geothermal Venture, the actual company doing the development, has received an increase in the permitted amount of megawatts that they’re going to be allowed to produce, doubling from 30 megawatts to 60 megawatts. But the issue I have with the bill is the identification of the county with the largest land mass in the state being the subject of this measure. It reminds me of the bill regarding the large capacity ferry. This is not general law. This is really a very specific issue, and when the Supreme Court rules—hopefully they will be ruling soon—on the appeal that’s before them on the general law issue, then I think the same issues will apply here, with this bill as well.



“The second primary focus of my concern is the fact that none of the land use issues were taken into account with this bill. As many of you know, we just passed S.B. No. 50 earlier in the session, which was developed to balance the current land use issues with the desire to promote alternative energy biofuel development, particularly as it related to the Big Island. But the way the leases of State land for biofuel development were executed previously and what required S.B. No. 50 was that it was done without any clear addressing of the land use laws that underlie those areas the Administration wants to promote, particularly DBEDT. The same thing would follow through in this situation as well. HRS 205-5.1, the geothermal resource subzone section, speaks specifically to land uses connected to geothermal development, yet I see none of that addressed in the bill today. We need to examine that section of the law to be sure that there’s no conflict with respect to the land use provisions in this bill, as well as the promotion of alternative energy.

“The other point to be made here is that geothermal resource subzones have been established by law. Although I know that this bill was primarily geared for the existing project down in Kapoho along the East rift of Kilauea, geothermal resource subzones have also been designated on the southwest rift of Mauna Loa, reaching into Ka’ū and on Hualālai, which is the dormant volcano just *mauka* of Kailua-Kona. So the potential to maximize use as stipulated in this bill would affect all of these communities. I think there needs to be some kind of acknowledgment in this bill that those communities will be informed about what is being proposed here and that they should have a chance to weigh in.

“Final point with respect to this bill, although it’s not specifically addressed in this bill, is the underlying issue of cultural concerns with respect to the development of the resource. Now, there have been several metaphors utilized to promote the development of geothermal energy, but what we need to recognize is the fact that the resource is held in high regard by our host culture. The deity Pele is regarded as a very important god in the pantheon of native Hawaiian spiritual practices. I don’t want to speak to that directly with any sort of authority. Being a resident of the Big Island for more than 35 years, I know how concerned people are about proper respect and the need to address those kinds of concerns before these kinds of bills are pushed forward. So, for those reasons, colleagues, I ask you to vote in opposition to this measure. Thank you.”

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

Senator Hemmings rose in support of the measure and stated:

“This and similar legislation encouraging the diversity of energy marketplace is long overdue. It’s indeed regrettable that Hawai‘i, the state with the most potential for fuel independence, fossil fuel independence, is a state with the most dependency.

“On the Big Island it’s especially sad, and I’m sure the good Senator from Kona will correct me if I’m wrong but I believe that the peak demand megawatt use on the Big Island is around 300 plus megawatts. In previous studies done back in the 80’s, it was established that the Big Island, through geothermal, could establish three times that amount in energy, thus making the Big Island totally energy independent. In fact, Governor John Waihe‘e who first proposed this, included in the study the possibly having a cable take energy to Maui. In the ensuing years, bureaucracy, ill-conceived opposition, sometimes opposition yielding good public policy to the most vociferous and ill-informed protest group ruled the day. And we have 30 megawatts of geothermal energy while at the same time one of the state’s wealthiest private corporations that Gordon Gekko

would know a lot about—Hawaiian Electric—has reaped in over \$2 billion in the last 15 years, burning—you guessed it—fossil fuel. It just doesn’t add up. They put in 50 megawatts of increased energy capacity at their Ke-āhōle, Kona area just in recent times.

“Now I can appreciate that the good Senator from the Big Island has to consider the opinion of some of his constituents, but I hope he, being a state Senator, would consider the welfare of all his constituents, not the vociferous minority. You know, we write legislation all the time and no one bats an eyelash that counties with populations over 500,000 shall do this, that, and the other thing. That’s all right. The reason why the Big Island is specified in this bill, by gearing it to the county with the largest land mass, is simple: it’s where the geothermal energy is. If we were enlightened, we would have had—excuse me on words—geothermal energy prolific on the Big Island. And we could do something profound in the world of energy; not only could we be energy independent from the ills of fossil fuel—and we know what they are—but we could also be the first state to revolutionize from the industrial revolution to the technical revolution. Having our ground transportation go to electric cars where we’re virtually using American innovation could once again put us at the cutting edge of transportation technologies rather than on the verge of bankruptcy as the big three are. Regarding Pele: Pele, Pele, Pele. My gosh; I don’t think she’s protested, to tell you the truth. That cultural sensitivity was a card played way back when Puna Geothermal first went online, and I haven’t seen any protest. I think Puna Geothermal has proved that despite the barriers put in front of them, they have proved beneficial and good source of electricity for the Big Island, rather than unbelievably fossil-fuel, diesel-burning generators from the 1950’s or even World War II along the Hamakua Coast, which Hawaiian Electric gets 190 percent above the national average cost to pay for. So geothermal is a proven asset to the energy market. I might add that our good Polynesian friends from New Zealand also utilize this technology much to their pride. I would suggest that we have to have the leadership necessary to break down the taboos and ill-conceived opposition of the past, and become enlightened leaders that encourage our energy independence by promoting the diversity of opportunities we have available to us, rather than relying on the time-proven falsehoods of past opposition that has kept Hawai‘i tied to disastrous fossil fuels. I encourage my colleagues to vote in favor of this legislation and do everything they can to expedite energy diversity opportunities for all the islands. Thank you, Madam President.”

Senator Gabbard rose in support of the measure and stated:

“As a state, we pay more than \$6 to \$7 billion dollars a year to light up our houses and to gas our cars and to fuel our planes, and we need to keep our energy dollars here in Hawai‘i instead of sending our hard-earned money overseas to foreign countries who don’t like us very much. And as we strive to overcome Hawai‘i’s addiction to foreign oil, we need to maximize our use of the renewable energy available to us. Hawai‘i is one of the few states, as you know, that has ready access to an abundance of geothermal energy. Back in the 90’s, you all recall the controversy when the first geothermal wells were drilled. One of the main problems back then is that there wasn’t the buy-in from the local community. Many Hawaiians saw tapping into geothermal energy as violating Madame Pele. Times have changed. There are some in the Hawaiian community who see geothermal energy as Madame Pele sharing her bounty with the people of Hawai‘i to help make us energy self-sufficient. So I ask my colleagues to join me in support of this bill. *Mahalo.*”

Senator English rose in opposition to the measure and stated:

“You know, as this bill moved throughout committees I voted with reservations on it, and my objections have been that the Hawaiian community has not been consulted on this. Some

other speakers on this floor today have referred back to that debate and, I would say, maybe misinterpreted what happened there. But nonetheless, this is embodiment of a Hawaiian deity. And until the Pele practitioners, the lineage holders—and those people exist—are consulted on this, we would tend to repeat what happened in the past. So, I think that after a series of reservations vote, I'm going to be voting 'no' because I haven't seen that consultation, I don't think that the Hawaiian community has been properly acknowledged in this, and I don't want us to end up where we were in the past on it. So based on that, I urge my colleagues to vote 'no.' Thank you."

Senator Kokubun rose in rebuttal and said:

"With respect to the good Senator from Kapolei mentioning that we are exporting a number of our dollars for energy, I would just bring to his attention that Puna Geothermal Venture is a subsidiary of Ormat, an Israeli company, so the majority of profits from that company also leave this state. I would also like to address the concerns raised by the Senator with the buff-and-blue alumni uniform. With all due respect, he is very ill-informed with respect to his statements today. It wasn't Governor Waihe'e, it was Governor Ariyoshi who really pushed that project, and the fact that the number of megawatts of power being produced today do go a long way to address the needs of the Big Island. Don't get me wrong. This is not to say we shouldn't initiate more geothermal development. I just know that in the past, the way the project has proceeded has been ill-conceived because it has run into so much opposition. And so I think to put a bill like this together without any sort of community input or at least doing some outreach is a mistake, and therefore I'm very opposed to this measure. Again, the idea is not to dissuade the production of energy on the Big Island. In fact, as all of you know, the Big Island leads the state in terms of alternative energy production. In fact, it's the Big Island that actually raises the renewable portfolio standards for the entire state because of all the alternative energy that's developed on the Big Island, and we take great pride in that. But we want to do it in a way that the people and the community benefit, agree, and in fact celebrate the development of alternative energy on the Big Island. And again I would just point out the fact that earlier today we passed S.B. No. 50, which would address the noncompliance related to alternative energy development. The fact that the actions taken by DLNR to approve biofuel development run into direct conflict with the existing land use laws, and therefore necessitated the development of that bill. I sense the same issues being raised in this bill as well, which forms the basis for my strong opposition. Thank you."

Senator Green rose in support of the measure and stated:

"I do have a great deal of respect for my colleagues from the Big Island, and I no doubt can imagine lots of tweaks and consultation will be necessary along the way to make that bill good enough to become law. But as to consultation, I made 22,000 phone calls over the past year—22,000 personally—and no shortage of people brought up just their dismay that their energy prices are so high. So bills like this, I think, fuel not just debate but possible improvements on the system. I don't know ultimately where all the geothermal sources will emanate from on the Big Island and in the future in the state of Hawai'i, but I do know this: if we don't start passing bills like this, we'll never really reach energy self-sufficiency. So we're going to have to be aggressive, but there has been an incredible amount of consultation with the people of Big Island. Thank you."

Senator Espero rose in support of the measure and stated:

"Colleagues, we must remember that it was just very recently when the price of gasoline was over \$4 a gallon and the cost of a barrel of oil was predicted to hit \$200 a barrel. This episode within our country the last year created many hardships and had significant negative impacts within our state, within our

families. This measure could be the vehicle to move this discussion and debate along. It does have a defective date, so it will certainly be a bill which we will see again if the House feels that it should be passed on. But of course, we all know between wind, solar, wave and geothermal, we should be able to be 100 percent sustainable in terms of our energy independence. And this is certainly a measure—because I am not aware of any other geothermal bills—that can move this discussion forward. We need to engage all stakeholders, especially the Hawaiian community, and I believe this bill will allow that to happen. Thank you."

Senator Hemmings rose in rebuttal and said:

"As a matter of fact, I'm not ill-informed on the issues I stand to speak up on. I spend quite a lot of time studying them, ruminating on them. But I made a mistake. It was Ariyoshi's administration that commissioned the tremendous study and a lot of money to be spent. I was thinking that the other great initiative that was lost to minority dissenters was the space launch site that could have been an industry that would have rivaled the tourist industry had we had the courage to overcome the shrill voices of the complaining minority, which leads me to my point of rebuttal.

"Too often in this state, we yield decision making to the most vociferous, and quite frankly, ill-conceived and sometimes obnoxious minority. The Founding Fathers wrote very clearly and they built a lot of protections in their original meetings in building the Constitution to protect us from the tyranny of the majority. But if you look back over the last generation of leadership of this state, we've oftentimes yielded the best interests of the future of the state to very loud minorities, and this is an issue that I think illustrates that. But I want to tell you and give you an example that I'm sure the representative from the Garden Isle will be afforded the opportunity to rise on my statements, but in decision making matters like this, we could have had a space launch site but we didn't have the courage to do it. Hilo could have been the gateway to the stars. On the exact opposite of the island chain, of the major chain, on the island of Kaua'i was proposed the SDI's initiation at Barking Sands. Same opposition arose on Kaua'i, but because it was a military site, those decisions were yielded and Barking Sands went in. As far as the record shows and as far as I can see, for the island of Kaua'i it's been an asset to the people of Kaua'i. We did not yield that opportunity to the shrill minority. And that is something I hope that we remember in making decisions of this nature in many areas. Who do we really represent? And whose future should we be voting for? I realize the political pressure we're all under to keep different constituencies happy, but I would suggest that the constituency we really should keep happy are the people of this state, who have the greater vested interest in progressing forward. I would suggest that energy independence—especially for the island with the most potential for it—is in everyone's best interests despite the opposition of a minority. So, I'm hoping when we come across bills like this, we don't yield our responsibility to vote for what's best for the most to the minority opposition. Thank you, Madam Chair."

Senator Hooser rose in support of the measure with reservations and stated:

"When I first came in today, in first reviewing this bill, I voted for it straight-up, I believe all the way through the committee process. And my intention prior to the last speaker's comments was to vote in support without reservations, but after listening to the total lack of respect and lack of cultural sensitivity and the lack of historical perspective and the lack of feeling and understanding toward those who are closest to these issues, who have lived through these issues—after listening to all that, Madam President, I am close to voting in opposition. But out of respect for the Chair and respect for the issue of energy independence, I will be voting with reservations. And

for the record, it's been stated over and over again by the previous speaker how we consistently yield to the shrill, unreasonable, loud and obnoxious voices of the minority. I would say to you, Madam President, that this body has proof, dealing with our Minority across the aisle here, that we do not yield to the shrill, loud and unreasonable voices of the minority. Thank you."

Senators Taniguchi, Chun Oakland, Baker, Fukunaga, Ige, Tokuda, Ihara, Nishihara, and Kidani requested their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Slom rose on a point of personal privilege said:

"Let me just say that from this Minority standpoint, we are neither obnoxious nor shrill, and that we do have good things to say. But it is absolutely true—you totally ignore us and ignore the people in some of your votes. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 287, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 10 (Baker, Chun Oakland, Fukunaga, Hooser, Ige, Ihara, Kidani, Nishihara, Taniguchi, Tokuda). Noes, 5 (English, Galuteria, Kokubun, Takamine, Tsutsui).

Stand. Com. Rep. No. 671 (S.B. No. 44, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 44, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 673 (S.B. No. 63, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 673 be adopted and S.B. No. 63, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"Again, this is another bill that we've had around for quite some time. It requires an employer to pay worker's comp temporary total disability benefits even when the benefits are being discussed or being protested and so it is an additional cost on business, but more than that, it's an unfair expenditure. Thank you."

Senator Sakamoto rose in opposition to the measure and stated:

"When workers get injured, most employers want them back to work as soon as they're able. Sometimes they're not fully able and employers many times try to accommodate them by providing temporary or partial work. One challenge with this measure is that it says, 'The payment of benefits shall be terminated only upon the order of director or if the employee's treating physician determines that the employee is able to resume work and the employer has made a bone fide offer of suitable work within the employee's medical restrictions. The order shall be only issued after the director has reviewed the case file and position papers submitted by the employee and the employer.' As we know, case files and position papers take a while. People get injured at work and unfortunately there are too many people who want to stay off work until the benefits expire which is not the goal; the goal is to get people proper medical attention but also back to work as soon as possible. Part of this measure provides that some employees can get 100 percent of their weekly wage. When working, you get your

weekly wage; when not working, you get 100 percent of your weekly wage. Where is the incentive to go back to work? Madam President and colleagues, I believe this will not help get employees back to work. This will be an open door for those who choose to ride the system, and I'm not saying that for all employees, but there are some that do. We don't want to open the door for those that wish to simply prolong a leave of work. Thank you very much."

Senator Takamine rose in support of the measure and stated:

"I appreciate the comments made by the previous two speakers, but need to make a correction. With respect to getting the employee back to work as soon as possible, that is the goal for both employer and employee. Should there be any overpayment, lines 18-22 on page 4 of the bill provides for a credit, and therefore, the employer would be kept whole. With respect to paying 100 percent, I'm not sure that is accurate. If you look at lines 21-22 on page 7 of the bill, in situations where there is a strong basis for making payment and there was improper termination, then there is a penalty of 70 percent of the average weekly wage. I don't believe there is any reference to 100 percent payment. Thank you."

Senator Sakamoto rose in rebuttal and said:

"Continuing on where the Chairman left off: 'Or if the employee's average weekly wages are less than the maximum weekly wage rates prescribed in the subsection(a), at the rate of one hundred percent of the employee's average weekly wage.' Perhaps the Chairman can look at it in the future because if that's not the goal then perhaps I'm misreading it. That's where I got that specific comment from. Thank you very much."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 673 was adopted and S.B. No. 63, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Ayes with Reservations, 2 (Ige, Ihara). Noes, 5 (Hemmings, Kidani, Nishihara, Sakamoto, Slom).

Stand. Com. Rep. No. 676 (S.B. No. 436, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 436, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIFE SCIENCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 677 (S.B. No. 642, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 642, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 681 (S.B. No. 1278, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 1278, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 685 (S.B. No. 553, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 685 be adopted and S.B. No. 553, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

"Madame President, I rise in support of SB 553 SD 2. Energy efficiency is the lowest hanging fruit in our quest to kick our addiction to oil. We can implement energy efficiency measures quickly and get immediate results. This bill requires state agencies to replace older light bulbs with compact fluorescent light bulbs and light-emitting diodes in state buildings, starting next year. CFLs and LEDs are at least three times as efficient as conventional incandescent light bulbs. The state needs to lead in energy conservation by setting an example for others to follow. I urge you to join me in supporting this bill. *Mahalo.*"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 553, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY-EFFICIENT LIGHTING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 686 (S.B. No. 559, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 686 be adopted and S.B. No. 559, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

"Madame President, I rise in support of S.B. No. 559, S.D. 2. This bill would require the Department of Accounting and General Services to establish a recycling program in all the buildings within its jurisdiction by 2011. This would include recyclable paper products, electronic devices, plastics, and furniture. The state should be leading by example when it comes to recycling and this bill sets us on the right course. I urge my colleagues to join me in supporting this bill. *Mahalo.*"

The motion was put by the Chair and carried, Stand. Com. Rep. No. 686 was adopted and S.B. No. 559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 687 (S.B. No. 773, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 687 was adopted and S.B. No. 773, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 695 (S.B. No. 1633, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 695 be adopted and S.B. No. 1633, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"I'm going to rise in opposition to this bill and most of the bills following for special purpose revenue bonds. And the reason I do so—we have discussed special purpose revenue bonds for the last couple years. We have had an increasing number of them authorized, but very few that have actually been utilized. In fact, my information is as of June 30th of this year, we have outstanding but unissued nearly \$550 million in previously authorized special purpose revenue bonds. We also have a number of firms that have cropped up that many of us have not heard of before and in trying to do informational checks find that they're very good at public relations, but in terms of a track record or actually doing things, they seem to be wanting. Now, I know the argument always is that the state does not have liability for the issuance of these bonds because we're not standing behind them. We really have not had that tested because we haven't had one of the SPRBs actually default and then see what happens in terms of creditors. But we do know that they get special tax breaks because of the state; we do know that the state has to go out and get special personnel that administer these special purpose revenue bonds. And as I've said, we've had a lot of claims over the years, particularly as we've expanded the scope from education and health care into energy and into other fields as well. Basically I would not have disagreement with many of these proposals if we could see some results. But as I say, we're long on public relations and short on results, and particularly in these difficult economic times and difficult market conditions, I think we should be more prudent and wait for some direct results. So, I will be voting 'no' on this and most of the other bills, probably with the exception of the Honolulu sea water bills because we've seen some progress in that area. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 695 was adopted and S.B. No. 1633, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST EPOD, INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY ON THE ISLAND OF OAHU," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Bunda). Noes, 1 (Slom). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 701 (S.B. No. 393, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 701 be adopted and S.B. No. 393, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 393, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST ONE PLANET PACIFIC ENERGY, LLC, A PROCESSING ENTERPRISE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Bunda). Noes, 1 (Slom). Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 704 (S.B. No. 537, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 537, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 707 (S.B. No. 521, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 707 was adopted and S.B. No. 521, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 709 (S.B. No. 1315, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 709 be adopted and S.B. No. 1315, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 709 was adopted and S.B. No. 1315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION AND RESOURCES ENFORCEMENT PROGRAM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 1 (Ihara). Noes, 1 (Baker).

Stand. Com. Rep. No. 711 (S.B. No. 1334, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 1334, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN MUSIC AND DANCE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 715 (S.B. No. 540, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 540, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 717 (S.B. No. 1226, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 1226, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TOURISM SPECIAL FUND," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 719 (S.B. No. 1310, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 1310, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 720 (S.B. No. 1611, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 720 be adopted and S.B. No. 1611, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"And yes, yes, yes, I know this started out as an administration bill, but it's not anymore. What it is, however, is a bill that will increase our taxes, our fees, the rates that we pay.

And one of the reasons that was given as justification for this bill is because the highway fund was raided over the years of more than \$140 million. That part is true. The fact that the highway fund is very low and past the point of automatic refurbishing is also true. But to ask the taxpayers to pony up even higher gasoline taxes—while we pay the highest taxes combined in the nation and when the federal government is looking to raise its taxes even more—when we ask our residents to pay even higher motor vehicle registration fees just at the state level, in addition to county fees and so forth, when we ask them to pay additional fees and costs when they're not getting the operating improvements that they've paid for for the last decades, I find there's a disconnect here. Part of the bill discussed the fact that the tax increases would not go into effect until 2011 and/or until we had a certain measure of economic revitalization and stabilization. The question should always be in taxation fairness and whether or not the taxes and/or the fees are justified. And at this time and in this manner, I don't see that they are justified and that we can't talk about putting even further burdens on our taxpayers. And we can't talk about refilling the highway special fund and hoping that it will continue to have increased revenues because we cannot, as a legislature, bind future legislatures. And as we've seen in the past and as we're seeing today, any fund, any special fund, when it gets up to a certain level, the executive branch has sought raids and so has the legislative branch. While I certainly think that we need highway improvements at both the state and the counties level, we're not getting it from this bill. All we're getting is more cost for the taxpayers and consumers. Thank you, Madam President."

Senator Sakamoto rose in support of the measure with reservations and stated:

"I'm very frustrated. As we drive on H-1 Freeway (our primary freeway into urban Honolulu), there are potholes. There are parts of the freeway that have been patched several times and we see an obvious need to do something about it. It's pathetic that we should ask for a lot of money to build a lot more roads or widen roads when we cannot take care of our main artery on this island. And I'm not speaking for other islands—they probably have the same issue there—but I believe we need more emphasis on keeping high quality on the highly traveled lanes before we embark on more lanes and end up with more poor quality miles of pavement."

Senator Kokubun rose in support of the measure with reservations and stated:

"I want to first commend the Chair of the Transportation Committee because I think this is something that he has viewed as an important piece in coming up with some means by which we can repair our highway system. And, as the good Senator from Moanalua had mentioned, the needs are definitely statewide. If you take a look at my county with the largest land mass, you will see that there are lots of highways that certainly need attention.

"My concern with this bill is the fact that it is based on whether or not we are going to have economic growth for two consecutive quarters. It doesn't address what happens if there's a drop in economic growth in the next quarter. So there's just not any kind of certainty, in my opinion, with this bill, particularly with respect to raising fees and taxes. If we do want to consider increasing the highway fund, then I think it would be incumbent upon us to act and to be upfront with people about what were going to do and why we need to do it. But with this bill, it's almost like a facade saying that we will have this increase to the highway fund to do all these improvements, but it may come now, it may come later, it may never come. I think it's something that is not as certain as we'd like to provide for our constituencies. That is the basis for my reservations. Thank you."

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

Senator English rose in support of the measure and stated:

“You know, Madam President, this measure is set up as a simple ‘if-then’ statement: if the economy improves, then the increases in the fees go into effect. Frankly, I didn’t like it that way but that was how the Administration would go for this. And to tell you the truth, as this moves forward I don’t know if that provision will stand because we’ve already separated out the increase on the rental cars and that has a date certain. That was amended today to move the monies to the general fund; I hope we don’t do that because it’s needed in the highway fund. But the point of it is very simple: if you want better highways, then we have to pay for it. And the mechanism to pay for it is in the bill, and the projects that it’ll pay for it are there as well. So it’s rather simple; it’s ‘if’ the economy improves, ‘then’ this goes into—the taxing part—goes into effect. But—and the anticipation is within two to three years—but the beginnings of this goes into effect immediately, so the department starts planning for it, they start doing all the planning and design, et cetera, et cetera. It is an out-of-the-box thinking, an out-of-the-box concept because well, quite frankly, we have not been able to deal with the roads for many years. Partially because we took the money many years ago—you know, we did a typical Reagan-style theory, which was ‘strangle it.’ So we strangled the department so they couldn’t do it. This is trying to give them the resources to do it, and I urge my colleagues to continue supporting this measure. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 720 was adopted and S.B. No. 1611, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAYS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 8 (Ige, Ihara, Kim, Kokubun, Nishihara, Sakamoto, Taniguchi, Tsutsui). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 724 (S.B. No. 1344):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 724 was adopted and S.B. No. 1344, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 725 (S.B. No. 243):

Senator Ige moved that Stand. Com. Rep. No. 725 be adopted and S.B. No. 243 pass Third Reading, seconded by Senator Green.

Senator Slom rose in opposition to the measure and stated:

“Again, this bill would seek to put more restrictions and cost on small business retailers. Our need really is to get the state out of the redemption business and profiteering from redemption and having total curbside recycling at the county level. Thank you.”

Senator Gabbard rose in support of the measure and stated:

“Colleagues, this bill makes it easier and more convenient for people to do the right thing by recycling their bottles and cans, and makes the big box stores basically a one-stop shop where when aunty and uncle are inside shopping, junior can be

out feeding the cans and the bottles into the reverse vending machines. So, it makes sense to require our big box retailers that are over 75,000 feet, such as Wal-Mart, K-Mart, Target, Sam’s Club, Costco to have these redemption centers on their property. They sell thousands of beverages every day and they should be willing to step up to the plate for the protection of our environment. So I urge my colleagues to support this bill. *Mahalo.*”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 243, entitled: “A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Galuteria).

Stand. Com. Rep. No. 726 (S.B. No. 56, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 56, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENFORCEMENT OF THE SMOKING PROHIBITION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Slom). Excused, 1 (Galuteria).

Stand. Com. Rep. No. 729 (S.B. No. 931, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 729 be adopted and S.B. No. 931, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

“I don’t know where the ACLU has been this Session. I guess I have to be the poster boy to stand up for the increased incursion by state departments in coming into your home, coming into your place of business to forcibly take samples of your bodily fluids. I think that there should be a specific public purpose first without this carte blanche expansion of powers. Thank you.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 729 was adopted and S.B. No. 931, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EPIDEMIOLOGIC INVESTIGATIONS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 735 (S.B. No. 701, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 735 be adopted and S.B. No. 701, S.D. 2 pass Third Reading, seconded by Senator Tokuda.

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

“Madame President, I rise in support of S.B. No. 701, S.D. 2. As you know, the people on the Waianae Coast are fed up with having all the landfills in their backyards and I don’t blame them. I introduced this bill because we don’t want to see any more landfills being built out there or expansions of existing private ones. This bill would not impact the City’s plans for the Waimanalo Gulch expansion.

“What I have been saying since I was Chair of Public Works at the Honolulu City Council back in 2003, is that we need to break our addiction to dumping our waste in the ground. I’m all for the City going forward with their plan to ship 100,000 tons of garbage off island. This is a project that I worked very hard to get off the ground when I was at the Council. It’s also encouraging that the City is moving forward with the 3rd boiler for H-Power and the curbside recycling plan. We have a bill on the calendar today, S.B. No. 393, which would allow the state to issue \$35 million in special purpose revenue bonds for One Planet Pacific Energy to construct a 500-ton per day gasification facility to convert solid waste into synthetic gas, utilizing material solid waste from the construction and solid waste landfill located at PVT in Nanakuli. These are the kinds of creative things we should be doing to solve our solid waste problem. I urge my colleagues to join me in supporting this bill. *Mahalo.*”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 735 was adopted and S.B. No. 701, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LANDFILLS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hemmings). Excused, 1 (Galuteria).

Stand. Com. Rep. No. 736 (S.B. No. 709, S.D. 2):

Senator Hee moved that Stand. Com. Rep. No. 736 be adopted and S.B. No. 709, S.D. 2 pass Third Reading, seconded by Senator Tokuda.

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

“Madame President, I rise in support of S.B. No. 709 S.D. 2. Taro has been an intrinsic part of the Native Hawaiian culture, diet, and economy for centuries. I’ve been contacted by many taro farmers and we’ve heard in testimony that protecting taro from genetic contamination is of the utmost importance to them. This bill would prevent taro from being genetically engineered in Hawai’i and would allow this healthy, nourishing food to continue to be a model for agricultural sustainability for generations to come.

“I want to read a quote from a letter I received from one Big Island taro farmer, Jim Cain: ‘While moving forward, it is important to remember our connection to the past. That is why, in Waipi’o, the titles that garner the most respect are not Dr. or Professor, but begin with Auntie or Uncle or Tutu. Technology is seen as a tool not as a guiding principle. Science can be wonderful tool for advancement, but science without a conscience, without the guidance of the precautionary principle, can wreak havoc. There must be a balance. In other words, go easy. Be respectful.’

“With that, colleagues, I ask that you join me in supporting this bill. *Mahalo.*”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 736 was adopted and S.B. No. 709, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Espero, Hemmings, Slom, Taniguchi). Excused, 1 (Galuteria).

Stand. Com. Rep. No. 737 (S.B. No. 1178, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 737 was adopted and S.B. No. 1178, S.D. 2, entitled: “A BILL FOR AN ACT

RELATING TO HEALTH,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 741 (S.B. No. 428, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 741 be adopted and S.B. No. 428, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senators Hooser, Espero, and Chun Oakland requested their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 428, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Ayes with Reservations, 3 (Chun Oakland, Espero, Hooser). Noes, 4 (Hemmings, Nishihara, Sakamoto, Slom).

Stand. Com. Rep. No. 743 (S.B. No. 300, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 743 was adopted and S.B. No. 300, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 749 (S.B. No. 1265, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 749 was adopted and S.B. No. 1265, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LABELING OF MEAT AND FISH PRODUCTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 754 (S.B. No. 51, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 754 was adopted and S.B. No. 51, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DENTISTRY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 756 (S.B. No. 1250, S.D. 1):

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 756 was adopted and S.B. No. 1250, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 761 (S.B. No. 1103, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 761 be adopted and S.B. No. 1103, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

“When we hand out the awards for stupid legislation this year this will be among the top contenders. Effective legislation—isn’t that what we’re getting paid to do? Shouldn’t we pass bills that are effective? Shouldn’t we pass bills that meet legal challenges? Shouldn’t we pass bills that are in reaction and reflective of public needs and all of that? Now we

have to pass bills willy-nilly and then set up a commission to review what we've done to see if they're effective or not? I say, 'no,' Madam President. Thank you."

Senator Hooser rose in support of the measure and stated:

"Madam President, this merely sets up a process that allows a methodology for examining legislation and making recommendations so we could be more effective, more efficient, we can get rid of obsolete laws and make us better legislators in the future, and I urge my colleagues to vote in support. Thank you."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 761 was adopted and S.B. No. 1103, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EFFECTIVE LEGISLATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Ayes with Reservations, 2 (English, Gabbard). Noes, 1 (Slom).

Stand. Com. Rep. No. 762 (S.B. No. 1271, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 762 was adopted and S.B. No. 1271, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 763 (S.B. No. 1272, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 763 was adopted and S.B. No. 1272, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 764 (S.B. No. 1318, S.D. 1):

On motion by Senator Kim, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 764 was adopted and S.B. No. 1318, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND ECONOMIC DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 6 (English, Gabbard, Nishihara, Taniguchi, Tokuda, Tsutsui).

Stand. Com. Rep. No. 769 (S.B. No. 687, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 769 was adopted and S.B. No. 687, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 775 (S.B. No. 1088, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 775 be adopted and S.B. No. 1088, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

"I think public access is extremely important to us, particularly when we're talking about beach and ocean access areas. This bill, by its reading, is overly broad and it creates, as it says in the bill, a new right which means it will create legal

liabilities, not only to individuals but also perhaps to the state. I think we'd do better to hone our existing laws and make sure that they are part of the effective legislation we pass. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 1088, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 776 (S.B. No. 619, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 776 be adopted and S.B. No. 619, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

"This is another proposal from the criminal lobby which is very strong in our state. They have a number of legislative pieces this year. Yes, why not let our convicted felons vote? Why shouldn't we have equal rights for everyone? Well, the fact of the matter is if you violate your civil contract, your social contract, you lose certain of those rights; and one of the rights is you lose your right to vote if you are convicted and sentenced. I believe that there are two states in the Union that now have toyed with and experimented with this idea of allowing prisoners to vote. I'm sure it would be very popular for those groups of individuals that support this right, but it is not a right. It's been a right taken away. Everybody knows this before you engage in these policies. You want to continue to vote, then don't commit crimes. Don't be convicted. Thank you."

Senator Espero rose in support of the measure and stated:

"Colleagues, this is a measure which I expected would generate a certain amount of controversy and discussion amongst ourselves and even the community, allowing prisoners the right to vote and as the good Senator mentioned we do have two states that allow it. But the right to vote is clearly defined in our U.S. Constitution, as well as our Hawai'i Constitution. And the question is: what policy do we want to set here? Of the 6,000+ incarcerated persons in our prison system today, 95 percent of those individuals will be released; most of them are incarcerated for 10 years or less. There is no harm to the state by passing this measure. There is no expense to the state by passing this measure. If we want to look at this in a more progressive way, this could be an opportunity for some inmates to take responsibility and to help readjust when they do get out of prison. It is part of a reentry plan where we're asking inmates who decide that they want to change their attitude to become involved and to be engaged. This measure, of course, is going to have probably a little problem in the House from what I'm hearing but I believe that this is a measure which we should pass because these citizens will one day be engaged with us, either as our neighbors, as our co-workers, possibly as your friends. I'm sure some of us know some people within our own families who have been incarcerated. They're not the scum of the scum. They're not a bunch of dirtbags, criminals, people we just lock up and throw away, and the heck with them. As I said, most of them will be out of prison one day and this is an opportunity for some of them who are in prison to think about what they have done, to think about the impact it has been on their families. We take away many of their freedoms when they are incarcerated; that is certain. We don't take away their right to religion. We don't take away their citizenship. We don't take their right to not engage or talk with their family members or others. So, I think this controversial measure should move forward and I hope you will consider it. Thank you."



Senators Hemmings, Slom, Nishihara, Green, Gabbard, Tsutsui, and Kim requested their votes be cast “no,” and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 619, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VOTING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 7 (Gabbard, Green, Hemmings, Kim, Nishihara, Slom, Tsutsui).

Stand. Com. Rep. No. 778 (S.B. No. 1125, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 778 be adopted and S.B. No. 1125, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Sakamoto rose in support of the measure with reservations and stated:

“The measure deals with the \$250,000 limit for general contractors and a \$50,000 limit for subcontractors. In Hawai‘i, many of our small companies are involved with construction, and for a subcontractor \$50,000 might be \$10,000 labor and \$40,000 equipment. And not all of the small companies have started off with people who were in a big company; even union members have started their own companies. Some are family businesses and I fear that we’ll let the big boys take all the jobs and people who want to start up as small contractors, like a father-son company, would be inhibited by a measure like this. So as it goes forward, I’ve asked the Chairman to consider the small businesses and see perhaps if the thresholds can be higher.”

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 1125, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 3 (Ihara, Nishihara, Sakamoto). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 781 (S.B. No. 1624, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 781 be adopted and S.B. No. 1624, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure and stated:

“You know, there was a time when we actually got money back as deserved when we had good sound economy, and that is in our Constitution; and then we started playing politics with that amount. First we were only going to get a dollar, then we weren’t going to get the money back; we’re going to use it as a tax credit. Now we’re coming full cycle and we’re going to give the Legislature the ability to change that so that we have a choice of either a use of the tax credit or to deposit it in the rainy day budget reserve fund. Gee, what do you think the Legislature would decide to do? They’ll put it in the reserve fund. And then what happens to the reserve fund? Then it gets raided by the same Legislature later on. The taxpayers get stiffed again. There was a reason for that provision and for all of us who are rightfully supportive of our economy improving in the next year or two, and all the good things that are going to come out of Washington, D.C.—all that money and everything else—we’ll start to see surpluses again. That money should go back to the taxpayers because all of that money, ARRA money, every dime comes from the taxpayers in the first place. And if the state is benefitting in terms of surpluses even after paying all its bills, it should go back to the taxpayers. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 1624, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO ALLOW THE LEGISLATURE TO EITHER FUND THE TAX CREDIT UNDER ARTICLE VII, SECTION 6 OF THE CONSTITUTION, OR DEPOSIT THE SAME AMOUNT INTO THE EMERGENCY AND BUDGET RESERVE FUND,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 784 (S.B. No. 667, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 784 was adopted and S.B. No. 667, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO WHISTLEBLOWERS’ PROTECTION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 786 (S.B. No. 1350, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 1350, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO KAKAAKO,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 787 (S.B. No. 1085, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 787 was adopted and S.B. No. 1085, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CEDED LANDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 789 (S.B. No. 1230, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 789 was adopted and S.B. No. 1230, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 790 (S.B. No. 1260, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 790 was adopted and S.B. No. 1260, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AIR POLLUTION FEES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 793 (S.B. No. 1122, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 1122, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 796 (S.B. No. 1053, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 796 was adopted and S.B.

No. 1053, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL REVIEW," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 801 (S.B. No. 485, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 801 be adopted and S.B. No. 485, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair carried, Stand. Com. Rep. No. 801 was adopted and S.B. No. 485, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CARBON DIVERSION INC.," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Bunda). Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 805 (S.B. No. 486, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 805 be adopted and S.B. No. 486, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 805 was adopted and S.B. No. 486, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Ayes with Reservations, 1 (Bunda). Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 811 (S.B. No. 145, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 145, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Hemmings). Excused, 1 (Hee).

Stand. Com. Rep. No. 812 (S.B. No. 210, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 210, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 815 (S.B. No. 809, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 815 was adopted and S.B. No. 809, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 819 (S.B. No. 1249, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 819 be adopted and S.B. No. 1249, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sakamoto rose in support of the measure and stated:

"There are many bills relating to education. This bill in particular tries to address teachers because we're losing many teachers, including many qualified teachers. I'd like to use this opportunity—I've passed out sheets that I call 'the cube,' and some people call it a 'matrix.' If you take the six different sides—administration, teachers, facilities, community, learning—you're all familiar with the Rubik's cube—you can fold it up into a cube, which shows the bills affecting teachers or students independently. You don't get the whole picture like a Rubik's cube. I believe in education we need to do all we can but the goal is to keep all the independent aspects part of a whole. Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 819 was adopted and S.B. No. 1249, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 822 (S.B. No. 390, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 822 be adopted and S.B. No. 390, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"I was opposed to this mandatory bill last year. Some of the corrections are being made this year in terms of applying only to single-family, new houses, but mandates are still bad. And I noticed that there was a lot of discussion in the committee about gas tankless water heaters and other alternative measures, and they are not included in here. It says that, you know, hopefully discussion will go along. Well, again, in light of effective legislation, I'm going to vote 'no' at this time. If it gets better, we'll vote 'yes' in the final version. Thank you."

Senator Gabbard rose to request comments in support of the measure be inserted into the Journal.

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

"Madame President, I rise in support of S.B. No. 390, S.D. 2. This bill simply clarifies the intentions of last year's landmark legislation which created the nation's first solar water mandate law. We've added language to clarify that existing homes will still qualify for the renewable energy technology income tax credit. We also make it clear that the Public Benefits Fee Administrator, instead of the Energy Resources Coordinator, will now be responsible for granting of variances and post-installation verification inspection. I urge my colleagues to support this legislation which encourages the use of renewable energy systems in our state. *Mahalo*."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 822 was adopted and S.B. No. 390, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 825 (S.B. No. 884, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 825 was adopted and S.B. No. 884, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 826 (S.B. No. 807, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 826 was adopted and S.B. No. 807, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 828 (S.B. No. 661, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 828 was adopted and S.B. No. 661, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FUNERAL INDUSTRY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 829 (S.B. No. 504, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 829 was adopted and S.B. No. 504, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 830 (S.B. No. 256, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 830 was adopted and S.B. No. 256, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEWORK," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 831 (S.B. No. 68, S.D. 2):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, Stand. Com. Rep. No. 831 and S.B. No. 68, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL ACTIVITIES ON OCEAN WATERS," was recommitted to the Committee on Ways and Means.

Stand. Com. Rep. No. 832 (S.B. No. 43, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 832 be adopted and S.B. No. 43, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"This bill also creates yet another new special fund."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 832 was adopted and S.B. No. 43, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICIAN WORKFORCE ASSESSMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 2:04 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:05 p.m.

Stand. Com. Rep. No. 833 (S.B. No. 1227, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 833 was adopted and S.B. No. 1227, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 834 (S.B. No. 1167, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 834 was adopted and S.B. No. 1167, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 835 (S.B. No. 971, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 835 be adopted and S.B. No. 971, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

"Madam President, this bill adds new taxable income; the employer's pension payments to an employee will be taxable. I think at this time it's very doubtful that we need something like this."

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 835 was adopted and S.B. No. 971, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Ayes with Reservations, 4 (Baker, Chun Oakland, Ige, Ihara). Noes, 2 (Hemmings, Slom). Excused, 1 (Takamine).

Stand. Com. Rep. No. 836 (S.B. No. 165, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 836 was adopted and S.B. No. 165, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL CAFETERIA WORKERS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 837 (S.B. No. 1316, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 837 was adopted and S.B. No. 1316, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 839 (S.B. No. 1106, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 839 was adopted and S.B. No. 1106, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 842 (S.B. No. 733, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 842 was adopted and S.B. No. 733, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).  
Stand. Com. Rep. No. 846 (S.B. No. 1449, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 846 be adopted and S.B. No. 1449, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure and stated:

“This bill accelerates, pushes up the date of tax returns at the state level. This is going to be particularly difficult for small businesses. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 846 was adopted and S.B. No. 1449, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 847 (S.B. No. 1461, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 847 was adopted and S.B. No. 1461, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 850 (S.B. No. 464, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 850 was adopted and S.B. No. 464, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

**REFERRAL OF HOUSE BILLS**

The President made the following committee assignments of House bills received on Friday, March 6, 2009:

- | H.B. No.             | Referred to:   |
|----------------------|--|
| H.B. No. 31          | Committee on Labor   |
| H.B. No. 254, H.D. 1 | Committee on Economic Development and Technology, then to the Committee on Commerce and Consumer Protection  |
| H.B. No. 349, H.D. 1 | Committee on Judiciary and Government Operations   |
| H.B. No. 365, H.D. 1 | Committee on Labor, then to the Committee on Commerce and Consumer Protection  |
| H.B. No. 808         | Committee on Health, then to the Committee on Commerce and Consumer Protection   |
| H.B. No. 866, H.D. 1 | Committee on Transportation, International and Intergovernmental Affairs   |
| H.B. No. 876, H.D. 1 | Jointly to the Committee on Human Services and the Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Government Operations |

H.B. No. 1101, H.D. 1 Committee on Human Services, then to the Committee on Judiciary and Government Operations

H.B. No. 1165 Committee on Transportation, International and Intergovernmental Affairs

H.B. No. 1270, H.D. 1 Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection

H.B. No. 1273, H.D. 1 Committee on Energy and Environment, then to the Committee on Commerce and Consumer Protection

H.B. No. 1436, H.D. 1 Committee on Education and Housing, then to the Committee on Water, Land, Agriculture and Hawaiian Affairs

**ADJOURNMENT**

At 2:11 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, March 12, 2009.

ATTACHMENT A

<p><b>Education &amp; Housing Committee (EDH)</b></p> <p><b>First Decking</b> <b>March 6, 2009</b></p>	<p><b>AFFORDABLE HOUSING</b></p> <p><b>SB773 SD2</b> Omnibus-50% of Convey Tax to RH-TF; Dwelling Unit Revolving Fund; Expedite permitting/processing; Public Hsg R&amp;M, Security, Homeless services/ shelter (HB1221)</p> <p><b>SB1277 SD2</b> Omnibus-Self-Help Hsg Trust Fund; Low Income Housing Tax Credit; Shared Appreciation Equity (HB1221)</p> <p><b>SB440 SD2</b> Counties, Infrastructure, &amp; Housing</p> <p><b>SB754 SD2</b> LRB Review State/County Afford Hsg Laws</p> <p><b>SB1268 SD2</b> DHHL Affordable Housing Credits (HB363 HD1)</p> <p>(HB361 HD1)</p> <p>(HB1232)</p> <p>(HB1592)</p>	<p><b>HAWAII PUBLIC HOUSING AUTHORITY</b></p> <p><b>SB1160 SD2</b> Assess units in public hsg for common expense expenses</p> <p><b>SB1221 SD1</b> Public Housing Criminal Trespassing</p> <p><b>SB535</b> Public Housing Alcohol</p> <p><b>SB910 SD1</b> Relocates Homeless Programs from HP-HA to Benefit Employment, and Support Services Division w/HMS)</p> <p><b>SB455 SD1</b> Public Housing Smoking (HB1692 HD1)</p> <p>(HB1694 HD1)</p>	<p>For further information: Please visit <a href="http://www.capitol.hawaii.gov">http://www.capitol.hawaii.gov</a> and go to bill status and documents; the bill information can be obtained.</p> <p><i>Senator Norman Sakamoto</i> <i>Chair, Senate Education &amp; Housing Committee</i> Phone: 586-8585 Fax: 586-8588 <a href="mailto:sensakamoto@capitol.hawaii.gov">sensakamoto@capitol.hawaii.gov</a></p>
<p><b>HAWAII COMMUNITY DEVELOPMENT AUTHORITY</b></p> <p><b>SB1350 SD2</b> Kakaako Dev District-incre reserved hsg rqmnt for 1 acre lot</p> <p><b>SB645 SD2</b> Kakaako Dev District-incre reserved hsg rqmnt to 25% floor space (HB1186)</p>	<p><b>HAWAII HOUSING FINANCE &amp; DEV CORP</b></p> <p><b>SB862 SD2</b> Shared Appreciation Equity (HB1044)</p> <p><b>SB863 SD2</b> HHFDC Housekeeping Amends: Service Fee (HB1045)</p> <p><b>TRANSIT ORIENTATED DEVELOPMENT (TOD)</b></p> <p><b>SB442 SD2</b> HHFDC TOD Comm/3<sup>rd</sup> Party Review</p>	<p><b>Energy Conservation</b></p> <p><b>SB241 SD2</b> Cool Roofs (w/ ENE) (HB1464 HD2)</p> <p><b>Other</b></p> <p><b>SB205 SD1</b> Owner-Builder Prohibition Sale (HB1071)</p> <p>(HB1187)</p>	<p><b>Low Income Housing Tax Credits (LIHTCs)</b></p> <p><b>SB1118 SD2</b> Low Income Housing Tax Credits</p>

ATTACHMENT B

## EDH HOUSING SUMMARY

The following is a brief outline of the major initiatives of the Senate Committee on Education and Housing (EDH) to help those concerned with bills that have continued through Crossover.

## AFFORDABLE HOUSING

The highest priority is to increase the number of affordable homes and rentals. Of high importance is to increase the funding to the Rental Housing Trust Fund (RHTF) and establish a Self-Help Housing Trust Fund through an increase in the conveyance tax on the sale of real estate over \$1M. Four other priorities for increasing affordable homes and rentals are 1) Repairing and renovating existing public housing, 2) Using tax credits (Low Income Housing Tax Credit and Low Income Homeowner Mortgage Tax Credit), 3) Collecting on Share Appreciation Equity (SAE) when state-assisted affordable homes are sold or resold at profit, and 4) Expediting the counties' review and permitting process.

Bills: SB 440, 754, 773 (omnibus), 1118, 1268, 1277 (omnibus)

## Hawaii Housing Finance and Development Corp (HHFDC)

The state agency most intimately facilitating the development of affordable housing is HHFDC. To assist HHFDC, EDH passed bills that would provide it more funding (in RHTF and by SAE), provide for 3<sup>rd</sup> party review on Transit Oriented Development (TOD), and establish a TOD Commission.

Bills: SB 442, 862, 863

## DEVELOPMENT DISTRICTS / HAWAII COMMUNITY AND DEVELOPMENT AUTHORITY (HCDA)

The creation of development districts is the most effective and sustainable method for redesigning Honolulu's urban core. Kakaako and TOD will allow more efficient use of land, facilities, and services. HCDA and a proposed TOD Commission should be provided the guidance and tools to facilitate development district planning and implement.

Bills: SB 645, 1350 also SB 442 (TOD)

## PUBLIC HOUSING / HAWAII PUBLIC HOUSING AUTHORITY (HPHA)

HPHA has the unenviable job of administering state and federal public housing in Hawaii. In that, one of its most difficult concerns is dealing with the multiplicity of tenant issues and maintaining a safe and healthy environment for all residents. EDH passed a number of bills to this end: common expenses (SB 1160), Criminal Trespass (SB 1221), Alcohol Use (SB 535), and Smoking (SB 455).

Bills: SB 455, 535, 910, 1160, 1221

## ENERGY CONSERVATION AND OTHER

Sustainability certainly includes energy efficiency. EDH passed SB 241 (Cool Roofs). EDH also passed SB 205 to close a loophole that has allow owner-builders to avoid many of the requirements of contractors and benefit in previous lower building costs when selling property.

Bills: SB 205, 241