

## TWENTY-SECOND DAY

**Tuesday, March 2, 2010**

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 9:11 a.m. with the President in the Chair.

The Divine Blessing was invoked by Reverend Norma De Saegher, Waipahu United Church of Christ, after which the Roll was called showing all Senators present.

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

**MESSAGES FROM THE GOVERNOR**

The following messages from the Governor (Gov. Msg. Nos. 332 and 333) were read by the Clerk and were placed on file:

Gov. Msg. No. 332, informing the Senate that on February 26, 2010, the Governor signed into law House Bill No. 2162, H.D. 1, S.D. 1 as Act 1, entitled: "MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

Gov. Msg. No. 333, dated February 26, 2010, transmitting the Aloha Tower Development Corporation's 2009 Annual Report.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 38 to 52) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 38, returning S.B. No. 520, S.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

Hse. Com. No. 39, transmitting H.B. No. 1847, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1847, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed First Reading by title and was deferred.

Hse. Com. No. 40, transmitting H.B. No. 1944, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 1944, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CLUBS," passed First Reading by title and was deferred.

Hse. Com. No. 41, transmitting H.B. No. 2016, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2016, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed First Reading by title and was deferred.

Hse. Com. No. 42, transmitting H.B. No. 2056, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2056, H.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO PHARMACIST LICENSURE," passed First Reading by title and was deferred.

Hse. Com. No. 43, transmitting H.B. No. 2083, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2083, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILK LABELING," passed First Reading by title and was deferred.

Hse. Com. No. 44, transmitting H.B. No. 2132, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2132, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed First Reading by title and was deferred.

Hse. Com. No. 45, transmitting H.B. No. 2238, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2238, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS," passed First Reading by title and was deferred.

Hse. Com. No. 46, transmitting H.B. No. 2263, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2263, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed First Reading by title and was deferred.

Hse. Com. No. 47, transmitting H.B. No. 2298, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2298, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed First Reading by title and was deferred.

Hse. Com. No. 48, transmitting H.B. No. 2304, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2304, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE," passed First Reading by title and was deferred.

Hse. Com. No. 49, transmitting H.B. No. 2371, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2371, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," passed First Reading by title and was deferred.

Hse. Com. No. 50, transmitting H.B. No. 2450, H.D. 1, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2450, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY FACILITIES," passed First Reading by title and was deferred.

Hse. Com. No. 51, transmitting H.B. No. 2568, which passed Third Reading in the House of Representatives on February 26, 2010, was placed on file.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, H.B. No. 2568, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY," passed First Reading by title and was deferred.

Hse. Com. No. 52, transmitting H.C.R. No. 70, which was adopted by the House of Representatives on February 26, 2010, was placed on file.

By unanimous consent, H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AND COMMENDING THOSE WHO PROVIDE SUPPORT TO THE FAMILIES OF DEPLOYED MEMBERS OF THE ARMED FORCES," was deferred.

### STANDING COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2632) recommending that S.B. No. 2534, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2632 and S.B. No. 2534, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BAIL," was deferred until Thursday, March 4, 2010.

Senator Taniguchi, for the Committee on Judiciary and Government Operations, presented a report (Stand. Com. Rep. No. 2633) recommending that S.B. No. 2897, S.D. 1, as amended in S.D. 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 2633 and S.B. No. 2897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred until Thursday, March 4, 2010.

Senators Takamine and Kim, for the Committee on Labor and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 2634) recommending that H.B. No. 2169, H.D. 2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.B. No. 2169, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2010.

Senator Sakamoto, for the Committee on Education and Housing, presented a report (Stand. Com. Rep. No. 2635) recommending that H.B. No. 2077, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2077, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading on Wednesday, March 3, 2010.

### ORDER OF THE DAY

#### THIRD READING

S.B. No. 2001, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2001, S.D. 1, entitled: "A BILL FOR AN

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

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

S.B. No. 2749, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2749, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2402, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2402, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2173, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2173, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2401, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2401, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2400, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2268, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2268, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FUNDS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2825, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2825, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2520, S.D. 1:

On motion by Senator Gabbard, seconded by Senator Hee and carried, S.B. No. 2520, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2325, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2325, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2701, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2701, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2788, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2788, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2921, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2921, 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, 24. Noes, none. Excused, 1 (Bunda).

S.B. No. 2646, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Hee and carried, S.B. No. 2646, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII SURFING RESERVES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2487, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Hee and carried, S.B. No. 2487, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2019, S.D. 1:

On motion by Senator Fukunaga, seconded by Senator Hee and carried, S.B. No. 2019, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2108, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, S.B. No. 2108, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2346, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, S.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER

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

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

S.B. No. 2473, S.D. 1:

On motion by Senator Chun Oakland, seconded by Senator Sakamoto and carried, S.B. No. 2473, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Tokuda, seconded by Senator Sakamoto and carried, S.B. No. 2803, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2564, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2564, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2151, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2151, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2547, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 2547, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2740:

On motion by Senator Fukunaga, seconded by Senator Baker and carried, S.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO SAINT DAMIEN DE VEUSTER DAY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2149:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2149, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2150:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2150, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2050:

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION IN WORKERS' COMPENSATION LAW," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2323:

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, S.B. No. 2323, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2758:

On motion by Senator English, seconded by Senator Gabbard and carried, S.B. No. 2758, entitled: "A BILL FOR AN ACT RELATING TO SAFETY INSPECTION OF MOTOR CARRIER VEHICLES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2597:

On motion by Senator Baker, seconded by Senator Takamine and carried, S.B. No. 2597, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2222, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2222, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2697, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2697, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2601, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2601, 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, 24. Noes, none. Excused, 1 (Bunda).

S.B. No. 2501, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2898, S.D. 1:

On motion by Senator Ige, seconded by Senator Baker and carried, S.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DIVERSION PROGRAM FOR CHEMICALLY DEPENDANT NURSES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2122, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Tokuda and carried, S.B. No. 2122, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2397 (S.B. No. 2188):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2397 was adopted and S.B. No. 2188, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2398 (S.B. No. 2343, S.D. 1):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2398 was adopted and S.B. No. 2343, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COVERAGE FOR MAMMOGRAMS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2400 (S.B. No. 2715):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2400 was adopted and S.B. No. 2715, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM INDUSTRY REPORTING," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2401 (S.B. No. 2643, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2401 was adopted and S.B. No. 2643, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2402 (S.B. No. 2389):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2402 was adopted and S.B. No. 2389, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2404 (S.B. No. 2440):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2404 was adopted and S.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF WATER SUPPLY," passed Third Reading on the following showing of Ayes and Noes:

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



Stand. Com. Rep. No. 2409 (S.B. No. 2117, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2409 was adopted and S.B. No. 2117, 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. 2412 (S.B. No. 2102, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2412 was adopted and S.B. No. 2102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2413 (S.B. No. 2163, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2413 was adopted and S.B. No. 2163, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF NURSING," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2414 (S.B. No. 2390, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2414 was adopted and S.B. No. 2390, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIST LICENSURE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2415 (S.B. No. 2698, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2415 was adopted and S.B. No. 2698, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2416 (S.B. No. 2811, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2416 was adopted and S.B. No. 2811, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHARMACIES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2420 (S.B. No. 2598, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2420 was adopted and S.B. No. 2598, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2421 (S.B. No. 2455, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2421 was adopted and S.B. No. 2455, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SUN SCREENING DEVICES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2422 (S.B. No. 2607, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2422 was adopted and S.B. No. 2607, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITY DESKS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2423 (S.B. No. 2408, S.D. 2):

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 2423 was adopted and S.B. No. 2408, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2425 (S.B. No. 2110, S.D. 2):

On motion by Senator Hee, seconded by Senator Tokuda and carried, Stand. Com. Rep. No. 2425 was adopted and S.B. No. 2110, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2426 (S.B. No. 2111, S.D. 2):

On motion by Senator Hee, seconded by Senator Tokuda and carried, Stand. Com. Rep. No. 2426 was adopted and S.B. No. 2111, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2429 (S.B. No. 2954, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2429 was adopted and S.B. No. 2954, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF STATE HIGHWAYS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2430 (S.B. No. 2702, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2430 was adopted and S.B. No. 2702, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2432 (S.B. No. 2139, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2432 was adopted and S.B. No. 2139, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2436 (S.B. No. 2885, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2436 was adopted and S.B. No. 2885, S.D. 2, entitled: "A BILL FOR AN ACT

RELATING TO HEALTH SAVINGS ACCOUNTS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2439 (S.B. No. 2611, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2439 was adopted and S.B. No. 2611, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VITAL STATISTICS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2440 (S.B. No. 2729, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2440 was adopted and S.B. No. 2729, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO IMMUNIZATION,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2443 (S.B. No. 2685, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2443 was adopted and S.B. No. 2685, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2444 (S.B. No. 2155, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2444 was adopted and S.B. No. 2155, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO JUDICIARY FEES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2449 (S.B. No. 2277, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2449 was adopted and S.B. No. 2277, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2452 (S.B. No. 2691, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2452 was adopted and S.B. No. 2691, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES’ RETIREMENT SYSTEM BENEFITS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2453 (S.B. No. 2205, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2453 was adopted and S.B. No. 2205, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2457 (S.B. No. 2274, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2457 was adopted and S.B. No. 2274, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HAWAII PACIFIC HEALTH,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2458 (S.B. No. 2828, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2458 was adopted and S.B. No. 2828, 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. 2460 (S.B. No. 2649, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2460 was adopted and S.B. No. 2649, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII PROJECTS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2462 (S.B. No. 2903, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2462 was adopted and S.B. No. 2903, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE COLLEGE,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2463 (S.B. No. 2385, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2463 was adopted and S.B. No. 2385, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2464 (S.B. No. 2757, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2464 was adopted and S.B. No. 2757, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2466 (S.B. No. 2523, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2466 was adopted and S.B. No. 2523, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2467 (S.B. No. 2531, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2467 was adopted and S.B.

No. 2531, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ARCHAEOLOGISTS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2468 (S.B. No. 2863, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2468 was adopted and S.B. No. 2863, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAX LIEN AND ENCUMBRANCE RECORD," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2470 (S.B. No. 2676, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2470 was adopted and S.B. No. 2676, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2476 (S.B. No. 2842, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2476 was adopted and S.B. No. 2842, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2486 (S.B. No. 2756, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2486 was adopted and S.B. No. 2756, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COST SHARING IN THE RELOCATION AND UNDERGROUNDING OF UTILITY FACILITIES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2837, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2837, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2254, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2254, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2164, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2164, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2165, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2165, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2526, S.D. 1:

On motion by Senator Gabbard, seconded by Senator Hee and carried, S.B. No. 2526, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY FACILITIES," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2340, S.D. 1:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 2340, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KANEOHE BAY REGIONAL COUNCIL," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2565, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2565, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2831, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2831, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2879, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT REPORTERS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2154, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2154, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2520 (S.B. No. 2371, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2520 was adopted and S.B. No. 2371, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIMITED BENEFIT HEALTH INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2522 (S.B. No. 2054, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2522 was adopted and S.B. No. 2054, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2526 (S.B. No. 2335, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2526 was adopted and S.B. No. 2335, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AND OVERSEAS CIVILIAN ABSENTEE VOTERS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2527 (S.B. No. 2603, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2527 was adopted and S.B. No. 2603, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2532 (S.B. No. 2153, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2532 was adopted and S.B. No. 2153, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DNA ANALYSIS FEE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2534 (S.B. No. 2669, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2534 was adopted and S.B. No. 2669, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE SOLICITATION OF FUNDS FROM THE PUBLIC," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2535 (S.B. No. 2772, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2535 was adopted and S.B. No. 2772, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2536 (S.B. No. 2910):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2536 was adopted and S.B. No. 2910, 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 (Bunda).

Stand. Com. Rep. No. 2537 (S.B. No. 2799, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2537 was adopted and S.B. No. 2799, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER

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

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

Stand. Com. Rep. No. 2540 (S.B. No. 2121):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2540 was adopted and S.B. No. 2121, entitled: "A BILL FOR AN ACT RELATING TO THE EARLY LEARNING COUNCIL," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2542 (S.B. No. 2116, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2542 was adopted and S.B. No. 2116, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2543 (S.B. No. 2775, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2543 was adopted and S.B. No. 2775, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS NAMES AS DISTINGUISHED FROM TRADE NAMES AND SPECIFYING REGISTRATION PROCEDURES FOR PUBLICITY RIGHTS NAMES BY AMENDING CHAPTER 482P," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2547 (S.B. No. 2226, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2547 was adopted and S.B. No. 2226, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SENIOR CITIZENS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2548 (S.B. No. 2662, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2548 was adopted and S.B. No. 2662, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2549 (S.B. No. 2368):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2549 was adopted and S.B. No. 2368, entitled: "A BILL FOR AN ACT RELATING TO CHILD VISITATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2550 (S.B. No. 2474, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2550 was adopted and S.B. No. 2474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS



INVOLVING MINORS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2551 (S.B. No. 2162, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2551 was adopted and S.B. No. 2162, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE RIGHTS OF VICTIMS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2552 (S.B. No. 2276, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2552 was adopted and S.B. No. 2276, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2554 (S.B. No. 2726, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2554 was adopted and S.B. No. 2726, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TIME FRAMES TO REGAIN FITNESS TO PROCEED,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2555 (S.B. No. 2728, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2555 was adopted and S.B. No. 2728, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRAUMA,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2558 (S.B. No. 2843, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2558 was adopted and S.B. No. 2843, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FLAGS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2559 (S.B. No. 2137, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2559 was adopted and S.B. No. 2137, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CLUBS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2560 (S.B. No. 2025, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2560 was adopted and S.B. No. 2025, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PAROLE,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2561 (S.B. No. 2768, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2561 was adopted

and S.B. No. 2768, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PAROLE,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2569 (S.B. No. 2256, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2569 was adopted and S.B. No. 2256, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2572 (S.B. No. 2889):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2572 was adopted and S.B. No. 2889, 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. 2573 (S.B. No. 2567, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2573 was adopted and S.B. No. 2567, 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. 2575 (S.B. No. 2145, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2575 was adopted and S.B. No. 2145, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2579 (S.B. No. 2451, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2579 was adopted and S.B. No. 2451, 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, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2580 (S.B. No. 2257, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2580 was adopted and S.B. No. 2257, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTRONIC WARRANT VOUCHERS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2581 (S.B. No. 2650, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2581 was adopted and S.B. No. 2650, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HUMAN SERVICES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2582 (S.B. No. 2452, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2582 was adopted and S.B. No. 2452, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2585 (S.B. No. 2591, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2585 was adopted and S.B. No. 2591, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2588 (S.B. No. 2172, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2588 was adopted and S.B. No. 2172, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAIMUKI CHRISTIAN SCHOOL," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2593 (S.B. No. 2887, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2593 was adopted and S.B. No. 2887, 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, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2594 (S.B. No. 2109, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2594 was adopted and S.B. No. 2109, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2596 (S.B. No. 2431, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2596 was adopted and S.B. No. 2431, 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, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2598 (S.B. No. 2156, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2598 was adopted and S.B. No. 2156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2603 (S.B. No. 2100, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2603 was adopted

and S.B. No. 2100, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE DATA," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2604 (S.B. No. 2182, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2604 was adopted and S.B. No. 2182, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2605 (S.B. No. 2378, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2605 was adopted and S.B. No. 2378, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2606 (S.B. No. 2710, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2606 was adopted and S.B. No. 2710, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BOARD MEETINGS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2609 (S.B. No. 2472, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2609 was adopted and S.B. No. 2472, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2611 (S.B. No. 2278, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2611 was adopted and S.B. No. 2278, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2612 (S.B. No. 2911, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2612 was adopted and S.B. No. 2911, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2613 (S.B. No. 2716, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2613 was adopted and S.B. No. 2716, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2614 (S.B. No. 2028, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2614 was adopted and S.B. No. 2028, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2615 (S.B. No. 2373, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2615 was adopted and S.B. No. 2373, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE TRANSFER FEES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2617 (S.B. No. 2115, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2617 was adopted and S.B. No. 2115, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2618 (S.B. No. 2752, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2618 was adopted and S.B. No. 2752, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2619 (S.B. No. 2589, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2619 was adopted and S.B. No. 2589, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2620 (S.B. No. 2951, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2620 was adopted and S.B. No. 2951, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2629 (S.B. No. 2571, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2629 was adopted and S.B. No. 2571, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2631 (S.B. No. 2859, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2631 was adopted and S.B. No. 2859, S.D. 2, 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, 24. Noes, none. Excused, 1 (Bunda).

S.B. No. 2527, S.D. 1:

Senator Hee moved that S.B. No. 2527, S.D. 1 pass Third Reading, seconded by Senator Tokuda.

Senator Kim then offered the following amendment (Floor Amendment No. 2) to S.B. No. 2527, S.D. 1:

"SECTION 1. Senate Bill No. 2527, S.D. 1, is amended by amending the effective date from July 1, 2010, to July 1, 2050, in section 3 and to read as follows:

"SECTION 3. This Act shall take effect on July 1, 2050."

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

Senator Kim rose to speak in support of the amendment as follows:

"Madam President, basically we are just defecting the date. This item had financial implications; Ways and Means did not have an opportunity to review it. Thank you."

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

By unanimous consent, S.B. No. 2527, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was placed on the calendar for Third Reading on Thursday, March 4, 2010.

S.B. No. 2738, S.D. 1:

Senator Hee moved that S.B. No. 2738, S.D. 1 pass Third Reading, seconded by Senator Tokuda.

Senator Kim then offered the following amendment (Floor Amendment No. 3) to S.B. No. 2738, S.D. 1:

"SECTION 1. Senate Bill No. 2738, S.D. 1, is amended by amending the effective date from upon approval to July 1, 2050, in section 6 and to read as follows:

"SECTION 6. This Act shall take effect on July 1, 2050."

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

Senator Kim rose to speak in support of the amendment as follows:

"Madam President, like the last bill, this one also defects the date. It also has financial implications. Thank you."

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

By unanimous consent, S.B. No. 2738, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION COMMISSION," was placed on the calendar for Third Reading on Thursday, March 4, 2010.

S.B. No. 2395, S.D. 1:

Senator Kim moved that S.B. No. 2395, S.D. 1 pass Third Reading, seconded by Senator Taniguchi.

Senator Kim then offered the following amendment (Floor Amendment No. 4) to S.B. No. 2395, S.D. 1:

"SECTION 1. Senate Bill No. 2395, S.D. 1, is amended by amending the effective date from June 30, 2010, to June 30, 2040, in section 3 and to read as follows:

"SECTION 3. This Act shall take effect on June 30, 2040."

Senator Kim moved that Floor Amendment No. 4 be adopted, seconded by Senator Tsutsui.

Senator Kim rose to speak in support of the amendment as follows:

"Madam President, we also deferred the date on this measure. There are some concerns on it, and we would like to keep the measure moving for more discussions. It is a work in progress. Thank you."

The motion to adopt Floor Amendment No. 4 was put by the Chair and carried.

By unanimous consent, S.B. No. 2395, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," was placed on the calendar for Third Reading on Thursday, March 4, 2010.

Stand. Com. Rep. No. 2564 (S.B. No. 2614):

Senator Taniguchi moved that Stand. Com. Rep. No. 2564 be adopted and S.B. No. 2614 pass Third Reading, seconded by Senator Takamine.

Senator Green then offered the following amendment (Floor Amendment No. 5) to S.B. No. 2614:

"SECTION 1. S.B. No. 2614 is amended by amending section 1 to read as follows:

"SECTION 1. Section 291C-105, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Any person who violates this section shall be guilty of a petty misdemeanor and shall be sentenced as follows without the possibility of probation or suspension of sentence:

- (1) For a first offense not preceded by a prior conviction for an offense under this section in the preceding five years:
  - (A) A fine of not less than \$500 and not more than \$1,000;
  - (B) Thirty-day prompt suspension of license and privilege to operate a vehicle during the suspension period, or the court may impose, in lieu of the thirty-day prompt suspension of license, a minimum fifteen-day prompt suspension of license with absolute prohibition from operating a vehicle and, for the remainder of the thirty-day period, a restriction on the license that allows the person to drive for limited work-related purposes;
  - (C) Attendance in a course of instruction in driver retraining;
  - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund;
  - (E) May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders;
  - (F) An assessment for driver education pursuant to section 286G-3; ~~and~~
  - (G) Either one of the following:
    - (i) Thirty-six hours of community service work; or
    - (ii) Not less than forty-eight hours and not more than five days of imprisonment; ~~and~~
  - (H) A vehicle owned by the defendant, used in the commission of a violation of this paragraph, shall be ordered by the court to be subject to forfeiture under chapter 712A if the defendant operated or assumed actual physical control of the vehicle while under the influence of an intoxicant with:
    - (i) With .16 or more grams of alcohol per two hundred ten liters of breath; or

(ii) With .16 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood;

- (2) For an offense that occurs within five years of a prior conviction for an offense under this section~~[-by]~~:
  - (A) A fine of not less than \$750 and not more than \$1,000;
  - (B) Prompt suspension of license and privilege to operate a vehicle for a period of thirty days with an absolute prohibition from operating a vehicle during the suspension period;
  - (C) Attendance in a course of instruction in driver retraining;
  - (D) A surcharge of \$25 to be deposited into the neurotrauma special fund;
  - (E) May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders;
  - (F) An assessment for driver education pursuant to section 286G-3; and
  - (G) Either one of the following:
    - (i) Not less than one hundred twenty hours of community service work; or
    - (ii) Not less than five days but not more than fourteen days of imprisonment of which at least forty-eight hours shall be served consecutively; ~~and~~
  - (H) A vehicle owned by the defendant, used in the commission of a violation of this paragraph, shall be ordered by the court to be subject to forfeiture under chapter 712A if the defendant operated or assumed actual physical control of the vehicle while under the influence of an intoxicant with:
    - (i) With .16 or more grams of alcohol per two hundred ten liters of breath; or
    - (ii) With .16 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood; and
- (3) For an offense that occurs within five years of two prior convictions for offenses under this section~~[-by]~~:
  - (A) A fine of \$1,000;
  - (B) Revocation of license and privilege to operate a vehicle for a period of not less than ninety days but not more than one year;
  - (C) Attendance in a course of instruction in driver retraining;
  - (D) No fewer than ten days but no more than thirty days of imprisonment of which at least forty-eight hours shall be served consecutively;
  - (E) A surcharge of \$25 to be deposited into the neurotrauma special fund;
  - (F) May be charged a surcharge of up to \$100 to be deposited into the trauma system special fund if the court so orders; ~~and~~
  - (G) An assessment for driver education pursuant to section 286G-3~~[-]~~;
  - (H) A vehicle owned by the defendant, used in the commission of the offense, and used by the defendant in at least two prior convictions for offenses under this section may be ordered by the court to be subject to forfeiture under chapter 712A; and
  - (I) A vehicle owned by the defendant, used in the commission of a violation of this paragraph, shall be ordered by the court to be subject to forfeiture under chapter 712A if the defendant operated or assumed actual physical control of the vehicle while under the influence of an intoxicant with:
    - (i) With .16 or more grams of alcohol per two hundred ten liters of breath; or



- (ii) With .16 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood.”

Senator Green moved that Floor Amendment No. 5 be adopted, seconded by Senator Espero.

Senator Green rose to speak in support of the amendment as follows:

“First, let me say and be very clear about something to my colleagues that it’s in total support of my Chair of Transportation and his strong efforts on highway safety, not just this year, but in the past, that I have submitted this amendment. This amendment very specifically adds to that bill asking that a person—or, demanding that a person—forfeit their vehicle if their blood alcohol level is in the extreme intoxicated level at 0.16 or higher.

“People know, I think, my perspective. I come from the perspective of working in the emergency department on the Big Island. On the Big Island, we see tragedy after tragedy, year after year. Most of those tragedies occur at the hands of drunk drivers. When I was listening in caucus to many of the bills that were coming kind of across our computer screens, I noted that bill—this Senate Bill 2614—for its very, very strong language, forcing someone to forfeit their vehicle at high speeds; and I took to heart the efforts of those of us who sit on Judiciary and Transportation at that point. It was a strong penalty, and it occurred to me in the context of something terrible that happened this last week that we should take action today.

“A young woman named Angela Apostadiro (Angela) 17 years old; last week, February 23, shortly before midnight, she was in the front seat of her mother’s taxi cab. They were taking someone a long distance on Big Island roads, which are dark as you know. They were driving north on the highway—it’s a two-lane highway on the Big Island—in their lane, driving safely, and another individual was driving other direction, south, on the same highway. That individual was so drunk that not only was he out of his lane, he wasn’t even in their lane; he was passing cars on the other side of the highway on the berm, the other side, going the other direction at extremely high speed. When he decided to shift quickly all the way across the lanes, he slammed into Angela’s mother’s car at a rate of over 60 miles an hour. They were traveling 60 miles an hour. He was completely drunk. He killed her almost instantly.

“Immediately, it wrecked our community’s well-being. We have two high schools. This was a high school senior, the light of her class and her school. Immediately, her principal, her counselors, her classmates, all of them, wrote to me and said, ‘What can be done?’ How many more accidents do there have to be on the Big Island before we send a signal to anyone that’s drunk driving that we have to really take immediate action that they’ll respond to?

“Now I’ve been and continue to be and will always be in extreme support of other measures that we’ve been fighting for—the interlock system, for instance. However, for some reason, drunk drivers aren’t getting the message. Angela was killed. Can you imagine if it was your daughter, for those who have daughters? Or niece or friend of the family that lived 17 years, and then right before her graduation, just three months before her graduation, was killed by some fool drunk driver that we couldn’t get to somehow or other?

“What this amendment does is it asks if someone is driving at an extremely intoxicated level that we take their car. I believe—I believe very strongly—that this kind of message will get through to people. It will be symbolic that you simply cannot drive drunk any longer. We should do everything, we should continue to do everything else that we’re attempting—all of the bills that we’ve seen to stop drunk drivers, and we should

continue to punish them more strongly. But it just doesn’t resonate with people enough.

“A year ago, on May 23, 2009, a similar accident: Aliyah Braden. A one year old was in the back seat of her Honda when a drunk driver slammed into her car, crippling her mother forever, father came out of it fairly unscathed, Wayne Braden, and their one year old was pronounced dead just minutes later at Kona Hospital. This happens time and again. In the ER last year, a story which I have alluded to once before, a young woman and man went to a party in Hawi on the Big Island. They got into a fight. They were both extremely intoxicated. They got into a fight, and the boyfriend kicked his girlfriend out of the car. He said, ‘Get out. You walk home.’ He returned to the party and on his way home, very drunk, he ran her over and dragged her a hundred meters under his car, at which point, she was scooped off the highway and brought to our ER and was deceased.

“It’s time we send a message, colleagues. And I mean it when I say, in friendly support of my Chair of Transportation, and Judiciary, that I want to pass this amendment. Out of respect to their fight that’s gone on for years on this issue, but to really make it clear to the people who drink and drive across the state that we are taking immediate, extremely strong action. I know that there are problems that have been announced already in testimony about what would we do with these cars that are impounded. Perhaps we’ll sell them and use those resources to help victims. I think that would be a good idea. Put that into transportation safety funds. Perhaps we’ll use it for our trauma centers. We only have one Trauma 2 center here to fly individuals.

“You know, I do feel a little sense of disappointment on my own part because I wasn’t able to convey this probably earlier in the year to other colleagues, and it took this accident again to kind of reawaken me on this issue. But you really do need to know that I submit this amendment in absolute support of my Chairs, and in support of the people who will continue to be victimized by drunk drivers if we don’t weigh in with a very heavy hand. So, again, in support of this amendment, please, Madam Chair.”

Senator English rose to speak in opposition to the amendment as follows:

“While everything that the previous speaker said is laudable, we do have a committee system in the Senate and we do have a process by which these things go through. The idea that he put forward here did not have any hearing nor testimony in any of the committees it went forward, and nor was the Chair consulted on this before. So, there are underlying problems with this particular bill, and we’re trying to work those problems out with the House and as it moves forward. So, if you’re going to hitchhike, maybe hitchhike on a vehicle that has a chance of passing.

“Listening to what the good Senator from Kona said, it seems to me that we put too many good roads in Kona and the roads are way too smooth and way too straight, and we’ve spent millions very recently fixing those up. And it seems that if these people cannot stay on the right side of the road, we should curtail that.

“Now members, I’m going to ask that you please help me to defeat this measure because it didn’t follow our established processes. It didn’t go through the proper hearing; and while I can say that the underlying action is laudable, the process is not. Thank you.”

Senator Taniguchi rose to speak in opposition to the amendment as follows:

"I'd just like to echo the words of the Transportation Chair that while we may believe that this is a good idea, to do it at this point without a hearing, I think, is not good. I think we really need to flush out some of the issues with this and proceed in that manner, so I will be voting against the amendment."

At 9:29 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:33 a.m.

At this time, Senator Green withdrew Floor Amendment 5 and his motion to adopt Floor Amendment No. 5, and Senator Espero withdrew his second.

Senator Green rose to speak on the motion to withdraw as follows:

"In consultation with my colleagues, whom I do respect greatly, I agreed to withdraw the floor amendment for a couple of reasons. One, I don't wish to damage the prospects of the underlying bill because, as I said, I was moved by the strength of that bill, and I mean that very sincerely. Number two, in discussion with the Chairs, they have given me proper high expectations that we'll be able to find a vehicle to take up the debate on the Transportation and the Judiciary on this matter, as I feel very strongly that we can pass something this legislative session that would decrease the number of tragedies like we witnessed in Kona. So, I respectfully defer to those Chairs and their experience, but I feel more strongly than ever that we should take action on drunk driving this session. Thank you, Madam President."

Senator Hemmings rose to speak in support of the motion to withdraw and said:

"I have mixed emotions standing here. This seems to be a battle between substance and process, and I would suggest to the Majority Party that in this particular instance, substance far outweighs process. This is a laudable effort, as the bill was originally crafted; and the amendment to it, which is solely within the power of this Senate to do at anytime, anyhow, is laudable, also. In speaking in favor of the motion, I hope that something can be done, and this will not turn it into a turf battle or for other reasons other than the merit of the issue. I would remind everybody that oftentimes deaths on our highways are perpetrated by drunk drivers with prior convictions. So, if a bill like this, or an amendment like this, would save one person, especially a young child like the Senator from Kona talked about, it would be well worth amending or doing something this session. It is a laudable effort, and I approve wholeheartedly.

"I do have a little bit of a problem with it because I think that my district is also susceptible because our roads are pretty bumpy in my district, too, so I have a soft spot in my heart for this. Thank you, Madam President."

The President then announced:

"Floor Amendment No. 5 is withdrawn."

### RECOMMENDATIONS

At 9:37 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:38 a.m.

Stand. Com. Rep. No. 2546 (S.B. No. 2423, S.D. 1):

Senator Sakamoto moved that S.B. No. 2423, S.D. 1 be recommitted to the Committee on Commerce and Consumer Protection, seconded by Senator Slom.

The motion was put by the Chair and carried, S.B. No. 2423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

CONDOMINIUMS," was recommitted to the Committee on Commerce and Consumer Protection.

Stand. Com. Rep. No. 2563 (S.B. No. 2755, S.D. 2):

Senator Sakamoto moved that S.B. No. 2755, S.D. 2 be recommitted to the Committee on Judiciary and Government Operations, seconded by Senator Slom.

The motion was put by the Chair and carried, S.B. No. 2755, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was recommitted to the Committee on Judiciary and Government Operations.

### THIRD READING

Stand. Com. Rep. No. 2564 (S.B. No. 2614):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2564 was adopted and S.B. No. 2614, entitled: "A BILL FOR AN ACT RELATING TO EXCESSIVE SPEEDING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

### THIRD READING

S.B. No. 2695, S.D. 1:

Senator Kim moved that S.B. No. 2695, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"As my colleagues know, I vote against the creation of every new special fund, and one of the reasons that I give is that our history has shown that what we do is raise money in a special fund—people think that it's going to a special earmarked purpose—and then when the fund gets to a certain level, we raid that fund and put it in the general fund. This bill does that with, I think, five special funds—takes money out of the funds. The Administration supports the bill to help balance the budget, but the people involved with the funds oppose the bill because they don't want the money taken. I think that the best testimony given on this bill was from the Tax Foundation of Hawai'i that talks about the special fund process in general, saying that it erodes the integrity of state finances and further suggests that what we should do is take all of the special funds, bring them to the table, look at them, start from zero-based budgeting, and make people justify why moneys are taken. For example, in one of these funds, the enhanced 911 wireless fund, we were told that we have to pay additional surcharge several years ago to enhance the wireless fund, get it up to snuff so that law enforcement could identify where people are. We did that, and yet the tax still continues in that fund. So, Madam President, I think that we really need to take a look at all of the special funds. We've got a number of bills coming up today that would create even more newer funds, which I will be in opposition to, but I rise now to urge a 'no' vote on this bill. Thank you."

Senator Hemmings rose in opposition to the measure as follows:

"In addition to the good points made by the previous speaker, I'd like to have this body reflect on another salient point that I think is part of this problem. Years ago, we raided the highway fund, and as a result our highways went unimproved in many areas to the point that now we're ranked amongst the worst in the nation for our highways. It's really quite sad. One of the previous speakers on another bill mentioned about the quality of roads in certain districts not being as good as others, and I agree with that. The problem is that our highway fund was raided and we did not have the money to take care of the basics; basic infrastructure for the safety and welfare of the people. Raiding special funds has consequences, and the consequences down the

line are that many public services will not be provided because the funds to do so that were special funds were not there.

“Secondly, what we do by raiding funds—and it was reflected in a Supreme Court decision that is maybe salient in these particular issues, too—is we turn special funds and fees into taxes, which possibly could conflict legally with the way that things should be managed in the State of Hawai‘i. So, for these and other reasons, I urge my colleagues to give a second look at this bill as it weaves its way through the process.

“Madam President, I don’t want to stand up and talk about ways to save taxpayers’ moneys without having an alternative. What we seem to be doing this session is what we’ve done all too often in the past: raiding funds, cutting charities, raising taxes to support financially one huge special interest group that does not want to be furloughed, does not want to share in the burden of the terrible economic plight we’re in. And that, of course, is public workers. I would suggest to the public workers, in considering all of the initiatives that we’re going to be debating today on the floor and throughout this session, that we’re all in this economy together. When schools are bad, when highways are broken, when the economy is bad, when your children move to the mainland because there are no jobs and economic opportunity here, it affects us all, whether or not you’re unionized, public employee or not. We’re all in this economy together, and I would make a plea, especially to the leaders of the HGEA, UPW, the HSTA—the 800 lb. gorillas in our economic process—that you may be getting some reprieve from the economic plight of the state now, but there will be a price to pay in the future, and the eroding economy and the quality of life in our state and the quality of government services are what we all share in common. I suggest that raiding funds is another step in the wrong direction, and I hope the Majority Party takes this to heart because I’ve been watching this go on for ten years now. We have gone backwards in managing the resources of this state. And as I said, we continue to get a rating, in many areas of public service, less than adequate on the national level, not the least of which is public education, our highways showing up being amongst the worst in our country, and the list goes on. If we continue this formula of just expansive government and paying for it by raiding funds, raising taxes, we’re going to continue to get what we got. Thank you, Madam President.”

Senators Chun Oakland, Ige, Baker, Fukunaga, and Green requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2695, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Baker, Chun Oakland, Fukunaga, Green, Ige). Noes, 2 (Hemmings, Slom).

S.B. No. 2007, S.D. 1:

Senator Kim moved that S.B. No. 2007, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“This is a continuation of the battle that’s going on now for nearly eight years between this Legislature trying to reclaim or to claim powers that traditionally and constitutionally have been reserved for the Executive Branch. It certainly is an infringement on separation of powers; and while I know that most of my colleagues under the current Administration believe that that Administration is not properly allocating the budget as proposed by the Legislature, that in fact is the duty of the Executive Branch. And I certainly remember back in previous Administrations when the Legislature and the Executive Branch

went in different directions because of fiscal policies. I think this is a bad precedent. I don’t think it is a legitimate separation of powers, and I would urge a ‘no’ vote. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2007, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUDGETARY POWERS,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2866, S.D. 1:

On motion by Senator Kim, seconded by Senator Tsutsui and carried, S.B. No. 2866, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2771, S.D. 1:

Senator Hee moved that S.B. No. 2771, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senators Ige, Ihara, and Espero requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2771, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO KALAUPAPA,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Espero, Ige, Ihara). Noes, none.

S.B. No. 2399, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2399, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2700, S.D. 1:

On motion by Senator Baker, seconded by Senator Ige and carried, S.B. No. 2700, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE DENTAL LICENSURE EXAMINATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2358, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 2358, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2957, S.D. 1:

Senator Gabbard moved that S.B. No. 2957, S.D. 1 pass Third Reading, seconded by Senator Hee.

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

The motion was put by the Chair and carried, S.B. No. 2957, 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, 24; Ayes with Reservations (Baker). Noes, 1 (Slom).

S.B. No. 2120, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Kidani and carried, S.B. No. 2120, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF PRINCIPALS AND VICE-PRINCIPALS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2183, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2936, S.D. 1:

On motion by Senator Espero, seconded by Senator English and carried, S.B. No. 2936, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHIPPING CONTAINER INSPECTIONS," passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2394:

Senator Takamine moved that S.B. No. 2394 pass Third Reading, seconded by Senator Taniguchi.

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

The motion was put by the Chair and carried, S.B. No. 2394, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Sakamoto). Noes, 1 (Slom).

S.B. No. 2566:

On motion by Senator Takamine, seconded by Senator Ige and carried, S.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND REHABILITATION BENEFITS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 2532:

On motion by Senator Hee, seconded by Senator Tokuda and carried, S.B. No. 2532, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2409:

Senator Hee moved that S.B. No. 2409 pass Third Reading, seconded by Senator Tokuda.

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

The motion was put by the Chair and carried, S.B. No. 2409, entitled: "A BILL FOR AN ACT RELATING TO MARINE LIFE CONSERVATION DISTRICTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Ihara). Noes, none.

S.B. No. 2779:

On motion by Senator Ige, seconded by Senator Green and carried, S.B. No. 2779, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROCEDURES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

S.B. No. 2141, S.D. 1:

Senator Ige moved that S.B. No. 2141, S.D. 1 pass Third Reading, seconded by Senator Espero.

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

The motion was put by the Chair and carried, S.B. No. 2141, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CANNABIS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Sakamoto). Noes, 1 (Hemmings).

S.B. No. 2220, S.D. 1:

Senator Baker moved that S.B. No. 2220, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure as follows:

"What we're doing is creating another task force and a task force for site examinations. We already have that responsibility for the Department of Labor, and we don't need another agency. Thank you."

Senator Baker rose in support of the measure as follows:

"Madam President, colleagues, this is an attempt to assist our agencies to enforce our licensing and contracting laws. This is a type of effort that has worked very well in California. And before we attempt to put it into statute and allocate funds for it, we wanted to give it an opportunity to see exactly how it might work here, get some information, have them come back to the Legislature with a report, and we think that this is the most judicious way to proceed. So, I encourage my colleagues to vote 'yes' on this measure."

The motion was put by the Chair and carried, S.B. No. 2220, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1062, S.D. 1:

Senator Baker moved that S.B. No. 1062, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure as follows:

"Professional employer organizations, those that lease employees, are very important in our community. They've had problems with unequal taxation requirements over the past years. That has, to a large extent, been mitigated, but now what we're doing is adding a new requirement for licensure, for bonding, and for also fees to be paid, and this is an unfair burden upon these organizations. Thank you."

Senator Baker rose in support of the measure as follows:

"Madam President, this actually came from the industry asking for registration so that we don't have some of these unscrupulous organizations come into our state and take advantage of small business by putting a bonding up. It's not



really licensure; it's registration. We want to make sure that any organization that is standing in for a small business function in their collecting of taxes and payment of taxes, collecting for unemployment insurance, for workers' compensation, all of those kinds of human resources functions that small businesses need to provide, we want to make sure that their money is safe, is secure, and that they're dealing with an honest organization. And one of the only ways to do that is to provide registration to ensure compliance with our laws and to put a bond in place. We think this is a very fair way to make sure that business-to-business relationships are on the up and up. Thank you, Madam President."

The motion was put by the Chair and carried, S.B. No. 1062, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2396 (S.B. No. 2174):

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 2396 was adopted and S.B. No. 2174, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2399 (S.B. No. 2020):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2399 was adopted and S.B. No. 2020, 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. 2403 (S.B. No. 2386):

Senator Kim moved that Stand. Com. Rep. No. 2403 be adopted and S.B. No. 2386 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"This is the first of several bills that creates yet another new special fund, so I'm opposed to it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2403 was adopted and S.B. No. 2386, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2405 (S.B. No. 2610):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2405 was adopted and S.B. No. 2610, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2406 (S.B. No. 2159):

Senator Kim moved that Stand. Com. Rep. No. 2406 be adopted and S.B. No. 2159 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"The bill increases the fee for a traffic abstract from \$7 to \$10; and while those that support that increase mentioned other states and their amount of fees, there was no justification for the need for the increase. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2406 was adopted and S.B. No. 2159, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACT FEE," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2407 (S.B. No. 2549, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2407 was adopted and S.B. No. 2549, S.D. 1, 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. 2408 (S.B. No. 2107, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2408 was adopted and S.B. No. 2107, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2410 (S.B. No. 2157, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2410 was adopted and S.B. No. 2157, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2411 (S.B. No. 2594, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2411 was adopted and S.B. No. 2594, S.D. 1, 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. 2417 (S.B. No. 2494, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2417 was adopted and S.B. No. 2494, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2418 (S.B. No. 2491, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2418 was adopted and S.B. No. 2491, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2419 (S.B. No. 2271, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2419 was adopted and S.B.

No. 2271, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE PREMIUMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2424 (S.B. No. 2175, S.D. 1):

On motion by Senator Takamine, seconded by Senator Taniguchi and carried, Stand. Com. Rep. No. 2424 was adopted and S.B. No. 2175, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 2 (Hemmings, Sлом).

Stand. Com. Rep. No. 2427 (S.B. No. 2599, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2427 be adopted and S.B. No. 2599, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Baker rose to request that comments in support of the measure be entered into the Journal.

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

"Madam President, I rise in support of SB 2599.

"SB 2599 ensures that all insured patients in Hawaii have access to the only way to prevent and screen for colon cancer—Colonoscopy.

"Colon cancer will strike 1 in every 20 residents of Hawaii. Many of the unfortunate who get diagnosed with colon cancer will get diagnosed too late. They will ultimately die from this preventable and curable disease. This is because colon cancer is somewhat unique, in that it starts out as pre-cancerous polyps, then over the course of years it grows into a small cancer. Eventually, if not detected and treated, it spreads throughout the body causing death.

"The key here is that most patients who die from colon cancer were living for months to years with a preventable, treatable, and potentially curable form of the disease, if only they had access to proper screening.

"Everybody in Hawaii is at risk for colon cancer, regardless of lifestyle or risk factors. It is one of the diseases of aging, and that is why most organizations including the American Cancer Society and the United States Preventive Services Task Force recommend all Americans get screened for this deadly disease beginning at age 50. Colonoscopy is a procedure doctors can use to not only identify patients with an early treatable form of the disease, but also to prevent colon cancer completely by removing pre-cancerous polyps.

"Colonoscopy has been shown numerous times to be extremely effective in reducing deaths from colon cancer. If utilized, it can prevent up to 70% of deaths from colon cancer. This puts it as one of the most effective cancer screening tools doctors have. By comparison mammograms only reduce mortality 30%.

"Unfortunately, right now, not all insurance plans in Hawaii cover this life-saving procedure. This in part explains why less than half of all patients over age 50 have had a colonoscopy. To put it another way, half of all residents of Hawaii who are at risk for colon cancer aren't getting screened!

"Colonoscopy can be an expensive procedure, prohibitively so for patients who are forced to pay out of pocket. Studies have shown however that it is cost-saving when compared to treating a patient with an advanced form of the disease. The

state Auditor's office reviewed these studies and concluded in their report that insured Hawaii residents would benefit from coverage for colonoscopy. When the cost is absorbed across the risk pool, the cost to screen those older than 50 years old is only fifty-five cents per month per enrollee.

"SB 2599 will mandate that all insurance plans in Hawaii provide coverage all patients over age fifty for this life-saving and cost-saving procedure.

"I urge all my colleagues to join me in support SB 2599 as another tool in the fight against cancer."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2427 was adopted and S.B. No. 2599, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2428 (S.B. No. 2081, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2428 was adopted and S.B. No. 2081, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2431 (S.B. No. 2502, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2431 was adopted and S.B. No. 2502, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL FOR OPERATING EXPENSES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Hemmings).

Stand. Com. Rep. No. 2433 (S.B. No. 2493, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2433 was adopted and S.B. No. 2493, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF TOBACCO SETTLEMENT FUNDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Sлом).

Stand. Com. Rep. No. 2434 (S.B. No. 2600, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2434 was adopted and S.B. No. 2600, 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, 2 (Hemmings, Sлом).

Stand. Com. Rep. No. 2435 (S.B. No. 2026, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2435 was adopted and S.B. No. 2026, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2437 (S.B. No. 2563, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2437 was adopted and S.B. No. 2563, S.D. 1, entitled: "A BILL FOR AN ACT

RELATING TO ENERGY EFFICIENCY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2438 (S.B. No. 2661, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2438 be adopted and S.B. No. 2661, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

“This is the bill that we have every year for the State to pay claims, and every year the amount continues to rise as we pay those claims. In the current version, the single most important claim is a civil settlement, not criminal, but a civil settlement in the Ka Loko Dam disaster on Kaua‘i. While we note that the counties and other parties have actually paid more than the State, it is significant that while we were told that all litigation has been finalized and if we pass this bill it will be taken care of, there are still outstanding claims that somehow are not in this bill and not in this discussion. Further than that, we still find that people look at the State for its deep pockets and find that they can get additional moneys from the State because if you look at the arguments for proceeding in a judiciary manner, it costs more to litigate than to pay off some of these people. So, I think we should be more careful. If we’re talking about budget shortfalls and all, this is one area that we should look at very carefully. So I support the bill with reservations. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2438 was adopted and S.B. No. 2661, S.D. 2, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2441 (S.B. No. 2810, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2441 was adopted and S.B. No. 2810, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2442 (S.B. No. 2919, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2442 be adopted and S.B. No. 2919, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

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

“I introduced this measure as a result of long-standing resident and employee concerns over safety and security issues at the hospital.

“Most recently, there has been much discussion and great concerns raised by my constituents and community groups, like the Kane‘ohe Neighborhood Board, as a result of the most recent escape on December 3, and the removal of all security officers as a result of the Department of Public Safety’s Reduction in Force efforts.

“At any given time, almost all, if not 100 percent, of the patients at the Hawaii State Hospital have been remanded there by the courts. This means that a facility that was never meant to house forensic patients now finds itself catering almost entirely to this population of patients.

“The results of this forced forensics state in a facility is not equipped or staffed to house these patients have been numerous acts of violence and assaults upon employees and patients, and numerous safety risks to the general public when escapes occur.

“While the Department of Public Safety has claimed in their testimony that they do not have the financial resources to assist with security at the State Hospital, the bottom line is that had these individuals not been found to have some kind of mental defect or disability, these patients would be inmates in our correctional system and would be the legal and financial responsibility of the Department of Public Safety.

“In my humble opinion, simply dropping these individuals off at the doorstep of the State Hospital does not negate the Department of Public Safety of any further responsibility for these patients, many of whom have a history of violent and abusive acts.

“This measure would provide a level of accountability for security at the Hawaii State Hospital and call upon the Department of Public Safety to step up and acknowledge the responsibilities they have toward these patients.

“In addition to security personnel issues in this measure, S.B. No. 2919 also calls upon the Department of Health and the Department of Public Safety to work together to submit a report on plans and strategies for ensuring appropriate levels of security at the facility, and identify how we are going to deal with this increasing and aging forensic population in the short and long term, especially as it relates to facility needs.

“I am particularly disappointed that while I can understand, but not agree with PSD’s objections to providing security for the State Hospital, I do not understand their objections to working with the Department of Health to address these ongoing security concerns. It further highlights the Department’s unwillingness to accept even some level of responsibility for these patients, who would otherwise have been inmates, and makes clear why a measure such as S.B. No. 2919 is absolutely necessary.

“I would strongly urge your strong support and affirmative vote for this measure. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2442 was adopted and S.B. No. 2919, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII STATE HOSPITAL,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2445 (S.B. No. 2454, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2445 be adopted and S.B. No. 2454, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“The bill would allow the court to impose fees for the public who will wish to obtain documents (pleadings, proceedings, transcripts, and so forth). The state agencies would be exempt from the payment of these costs. There are several things that are troublesome about this bill. Number one, I think it would make it harder for the public—certainly more expensive for the public—to get public documents and public records. The bill does not indicate what the fees would be, nor does it indicate how the court will determine what those fees would be. And I think also the Attorney General has raised the issue as to whether or not this bill actually contains more detail than is listed in its title. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2445 was adopted and S.B. No. 2454, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2446 (S.B. No. 2659, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2446 was adopted and S.B. No. 2659, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC PROCUREMENT CODE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2447 (S.B. No. 2786, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2447 was adopted and S.B. No. 2786, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2448 (S.B. No. 1309, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2448 was adopted and S.B. No. 1309, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2450 (S.B. No. 2393, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2450 was adopted and S.B. No. 2393, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2451 (S.B. No. 2884, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2451 was adopted and S.B. No. 2884, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2454 (S.B. No. 2529, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2454 be adopted and S.B. No. 2529, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"Again, this bill creates a new special fund for the State, so I'm opposed. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2454 was adopted and S.B. No. 2529, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE CLAIMS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2455 (S.B. No. 2267, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2455 be adopted and S.B. No. 2267, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"While we certainly are compassionate with people with disabilities, we believe that the ADA already requires certain modifications in certain construction standards. This bill goes far beyond that and requires that there be a team at the very outset for every construction project to monitor the building design, to make the changes, and then to create fees that would be paid by the developer to the Disability Council. This, of course, is going to increase the cost of buildings, particularly residential buildings, and I think is an unfair additional assessment. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2455 was adopted and S.B. No. 2267, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BUILDING DESIGN FOR PERSONS WITH DISABILITIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2456 (S.B. No. 2103, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2456 was adopted and S.B. No. 2103, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2459 (S.B. No. 2578, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2459 be adopted and S.B. No. 2578, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"We're talking about a tax credit for construction; however, it's an unspecified amount. I think we have to look more carefully at any additional tax credits this year. We don't have the money to pay for it, and we should be emphasizing reduced construction cost amounts. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2459 was adopted and S.B. No. 2578, 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. 2461 (S.B. No. 2500, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2461 be adopted and S.B. No. 2500, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support of the measure as follows:

"I think that for too long now we have seen in hearings that the Office of Hawaiian Affairs is reluctant or negligent to disclose the amounts of money that it's paying or has paid and to whom. OHA is a major State agency with a great deal of appropriations, and I think that we need both a financial and a management audit of this State agency. Thank you."

Senator Chun Oakland requested that her vote be cast "aye, with reservations," and the Chair so ordered.



The motion was put by the Chair and carried, Stand. Com. Rep. No. 2461 was adopted and S.B. No. 2500, 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, 25; Ayes with Reservations (Chun Oakland). Noes, none.

Stand. Com. Rep. No. 2465 (S.B. No. 2236, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2465 be adopted and S.B. No. 2236, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"While we certainly need to be vigilant about invasive species, the idea of having yet another fee is going to impact the cost of consumer goods in the state, and ultimately all of the families and individuals will pay for it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2465 was adopted and S.B. No. 2236, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2469 (S.B. No. 2780, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2469 be adopted and S.B. No. 2780, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

"Members, this is a bill that calls to question the importance in each of us of what in the future is sustainable; that is—the sustainability of Hawai'i, as far as agriculture is concerned. This bill is not perfect. Presumably, if it gets out of the Senate this morning, it can be debated and discussed more in the other chamber. But let's be clear about this bill. It is an honest effort to protect ag suitable lands on O'ahu, meaning lands with the productivity rating of A or B, and to provide for mandatory extensions of ag leases.

"Your Committee on Water, Land, Agriculture, and Hawaiian Affairs heard this measure that was supported by 6 organizations and 33 individuals. One State agency submitted comments and one State agency was in opposition. But members, let me read former Governor Ariyoshi's comments with the state of agriculture today. He said this in a recently published pamphlet:

Originally the job of the land use commissioners was to serve the broad public interest over the long term. When I came into office, I appointed a representative of the League of Women Voters to the commission, because the League had worked hard on understanding land use decisions. I also appointed a young Hawaiian activist who spoke eloquently from a Hawaiian cultural viewpoint about the land; I felt her views needed to be represented....

Today the intent and functioning of the Land Use Law has been extensively subverted. The commission membership prominently includes a realtor, a development lawyer, and a corporate lawyer. Members with large constituencies are similarly tied to development (such as electrical contractors and the carpenters' union). The [Land Use] Commission's executive director previously

headed the Land Use Research Foundation, a lobbying group for developers and [large] land owners.

The decisions of the Land Use Commission to urbanize go a long way toward explaining why the number of construction workers in Hawai'i has doubled in the past decade, and why the general public is increasingly disturbed by the congestion that results from overly rapid development.

Contrary to the original idea of the Land Use Law, the public is substantially shut out of the process. The commission's quasi-judicial proceedings...have limited participation to only those with a direct interest in the outcome. Attorneys examine, cross-examine and redirect the examination of witnesses as if in a court of law. Developers seeking rezoning arrive with attorneys, consultants and expert witnesses to pursue their agenda, but the public interest is not represented.

The most widely embraced goal of the Land Use Law was the preservation of prime agricultural land... The 1978 Constitutional Convention mandated [the] protection of agriculturally important lands, but this mandate has never [sic] been...implemented.

"When you look at today's Land Use Commission, there are two contractors, three lawyers, one former union business agent, one realtor, one planner who is also the vice president of a real estate development firm, and one individual who represents an organization of top contractors and the largest construction union. This measure seeks to balance the scale; his measure seeks to stem the tide of urban sprawl; and specifically, so no one's kidding each other, this measure was introduced in response to Ho'opili Development. Although this measure is not retroactive, it is prospective. This measure responds to 12,500 more homes in the golden triangle of agriculture, and once the urbanization occurs, there shall be no more agriculture at the development where Ho'opili is intended to be. Let there be no mistake: D.R. Horton and Schuler Development have no entitlement and no vested right to build homes. They bought the land as it is today, zoned in agriculture. It is the entitlement of the public interest that these lands remain in agriculture. This bill, should it move to the House, gives the lawmakers an opportunity to level the playing field in the interests of the public for a sustainable Hawai'i and for agriculture to have a prominent place on the most valuable ag-zoned land—from a commodity point of view—on the most populated island in the state. Thank you."

Senator Hemmings rose in support of the measure as follows:

"Several years ago on the opening day, I addressed the underlying issue here. It is a profound issue. It affects the quality of our lives. What is the sustainability of these precious islands? What is the carrying capacity of the island of O'ahu? How many cars? How many homes? How many people can we have on this island and reasonably expect to be safe and live the lifestyle that the blessings of this state has brought us? Will we have enough energy? Will we have enough food? These are issues that were discussed in the Sustainability Task Force, which I had the honor of serving on, and these are profound issues. Can we continue grow? I think that it's an issue that goes way beyond our shores, but we have to deal with our state in this legislature, and I would suggest that this bill is a step in the direction towards addressing issues such as this.

"Once land is lost that we could grow agricultural products on, we become increasingly vulnerable for the most basic of human life—food to eat. In the wake of Hurricane Katrina,

there was a massive effort to get relief to the state of Louisiana. They had highways; took commodities, especially food and clean water, right to the doorsteps of the needy. And, of course, the airports and ports were very busy. Here in Hawai'i, we're totally dependent for any substantive relief on our ocean carriers, and we're very vulnerable there, also. Just imagine what some cataclysmic event, such as a large freighter going aground at the entrance of Honolulu Harbor, would do to our food supply. This state is vulnerable, and unless we address this issue, we're going to continue to slide into a very precarious position of having the very essence of our substance imperiled. I would suggest this is one of many bills that we should look at in the future to try to create for our state some sort of steady state economy. Those words are heresy coming from a fiscal conservative, but nothing is forever. And I believe unless we start addressing issues such as sustainability in this state, we may fall victim to catastrophes way beyond our control; they would imperil our very existence. Thank you, Madam President."

Senator Espero rose in opposition to the measure as follows:

"Colleagues, the importance of agricultural land has been in our Constitution since 1959, and it has been decades since we passed any meaningful legislation. Just a couple of sessions ago, we did pass some important IAL measures, and these measures must be allowed to be implemented and followed through in our development.

"There has been opposition to this measure. Not only the City and County of Honolulu Department of Planning and Permitting, not only the State DBEDT Office of Planning, but ironically, the Hawai'i Farm Bureau has been against this measure.

"This measure does target some areas within west O'ahu which the good Senator from the Windward side mentioned. If we look at the future growth of O'ahu, from Hawai'i Kai to Ko'olina is where the growth is being directed. We are now looking at the last parcel of land from Hawai'i Kai to Ko'olina that could include—in this one parcel—up to 12,000 homes. But this parcel is right next door to UH West O'ahu, which will be built on agricultural land which may include not only another 4,000 homes and many opportunities for businesses and commercial entities, but a four-year institution for West O'ahu. This parcel of land is just north of DHHL land, which is currently being built on agricultural land up to 2,000 homes. This piece of property is within the urban growth boundary designated by your government in 1997, and discussed 20, 30 years ago in terms of master planning for O'ahu.

"We're going through a census right now, and what you will find is since statehood, our population will continue to grow. We are just under one million residents today. I foresee a time where we will have 1,000,100 people on O'ahu; 1,200,000 people on O'ahu; 1,300,000 people on O'ahu. And quite frankly, where do you expect these people to live? It should be in the area that government decades ago considered to be the primary growth area for O'ahu—below H-1. That's what this is. If you go above H-1 in Kunia, central O'ahu, North Shore, you will see thousands of acres of ag land, ag land which today is fallow, on which crops are not being grown. And by the way, the community of Mililani—a great community, an award winning community, where thousands of families have bought homes and raised families—Mililani was built on agriculture land. Unless we stop population growth on O'ahu, and unless we tell our children and grandchildren, 'You cannot buy a home in O'ahu in the next 10 or 20 years,' this bill must not pass because what is also at stake is lands for homes. We are running out of lands for homes. Where will the next generation buy affordable homes? Kaka'ako? Hawai'i Kai? Lanikai? These homes are slated, as I said, decades ago for population growth that is part of the master planning for our state. And this

area right now is experiencing some growth, some limited growth in this economic time, but it's important that we keep the lands available for what they were planned for 20, 30, 40 years ago. Remember, part of sustainability is not just crops and food and energy; it's where we will live. Where will you raise your children? Where will you grow your family? This development that was mentioned is expected to also have at least 7,000 jobs.

"So colleagues, please consider the vision that was established 30, 40 years ago, and look at this area as the continuation of that vision from Hawai'i Kai to Ko'olina. That is where the population growth for our constituents will live, work, play, and learn. And in most circumstances, I would support the preservation and conservation of agricultural land, but we do not have a shortage of agricultural land on O'ahu. It is being used up because that is what a human society does, whether we're trying to figure out where to put the next landfill, the next power plant, the next university, the next child care center, the next job center. It has to be on land somewhere, and let's put that on the urban boundary below H-1, and let's try to keep massive growth and development out of the North Shore, out of Windward, out of Waimanalo. Thank you."

Senator Slom rose in opposition to the measure as follows:

"I think we've had a very interesting discussion and debate so far, and I must admit that I agree with many parts of all of my colleagues who have talked about this issue, but if I may, let me add another perspective as to why I am voting 'no'. First of all, I think all of us have previously and still do support important agricultural lands, so that's not an issue. I think many of us may be divided about specific projects that have been enumerated; I personally oppose that project that was discussed, as I had opposed previous projects that didn't make any sense in terms of congestion, traffic problems, infrastructure, and so forth.

"But this body is always used to talking about the process, and, of course, we do have a process for all of these things. If we have criticism of the Land Use Commission and how it's made up, then we should address that in a bill and change the way that the appointments are made, just as we did with the University of Hawai'i, just as we've done with so many other areas. This bill does not address the Land Use Commission, specifically.

"Also, if we're talking about major plans that we've had in the past, master plans and all, the people have the right to change those master plans, and in many cases probably should. I think that we have the ability to do that.

"But what does this bill specifically do? This bill specifically has the Legislature interfering with the private contractual process and, yes, I know, we've done it before and we'll probably do it again. But what it does is to make mandatory the extension of leases in agriculture A and B types of properties. I know that the bill has been amended so that it's prospective right now from July 1 of this year; however, there is a defective date in the bill, and so under further discussion it could go back to, again, retroactive periods of time. I think that, number one, that is the concern that I have—any interference and mandatory extension of leases, because, as was testified in committee, one of the things that that might lead to, among unintended consequences, are the land owners not extending leases, or the question of different types of farms and agricultural pursuits, and that's why the good senator from Mililani brought up the Farm Bureau and their opposition and concern.

"So, before we go headlong into a bill like this, let's remember it doesn't stop a specific project. It doesn't realign the Land Use Commission. What it does do is interfere with the

leasehold process in one area in agriculture, and I think we would be best to, in my viewpoint, not to do this at all but secondarily, to be very careful into what we do, telling people they have to do it. I know even in my area of Hawai'i Kai, where we have a major issue going on right now—a valley with farmers, and I know the Senate President visited that area. Part of the problem is that many of the farmers have grown old and don't want to continue agricultural pursuits, and/or they have family members, younger people, that have seen how hard farming really is and they don't want to do it. So to say that we must maintain and we must extend leases, there's got to be a better way to do that. So, I would suggest further thought on this type of measure. Thank you, Madam President."

Senator Hee rose in rebuttal and said:

"Point well-taken; I think target missed, unfortunately. You know, let's start with the Farm Bureau because that's stuck in my craw, as the two previous speakers have enunciated the support of the Farm Bureau for the project and their opposition to this particular bill. The president of that august organization is the campaign chairman of your good friend the Mayor of the City and County of Honolulu. I don't think it's a coincidence that the first segment of the rail was designed right smack in the middle of prime ag land. One of the previous speakers indicated that DPP, OSP had indicated opposition to the bill, and it stands to reason—these are planners. When their job is done, they do what the previous seven planners have done: They go work for a construction outfit. It's in their blood, because I'm sure these planners would freely admit that they didn't plan to have H-1 congested like an artery full of cholesterol. They didn't plan on having domestic abuse rise in urban cores because of people living as pigeons do—one on top of another in a coop. They didn't plan on the increase of the cost of fossil fuels and all other trappings that surround each of us. They didn't plan on the tsunami causing lines of people in a panic at a gas station and lines of people buying anything that they can eat from Costco or from Safeway or from Longs out of sheer panic. 'We're going to die today when the wave comes.'

"The seven planners, each who support Ho'opili—to come together like poi', pipili ka poi, the poi stuck together. I'm inspired by the two previous speakers; and maybe someday the people in Maui will understand when HC&S announces that they have put the land up for sale, and D.R. Horton and Jimmy Schuler, my friend, have decided to put another Hawai'i Kai over there just as they did at Ho'opili and just as Kaiser did mauka of Maunaloa Bay. And where are the people going to live if we do not pave over ag land? 'What the people going to eat?' should be the question. For me, the tsunami means nothing because I live in the mountain where avocados grow, and if you got to eat avocados for dinner, so be it. But I'm not like most people. Your district, Madam President, there was a caravan out of the leeward coast; they went up Makakilo, sat around.

"This is a fish-or-cut-bait bill. It's real simple. There's not any razzmatazz about some developer and where people going to live and what are they going to eat. This is a fish-or-cut-bait bill. And where are people going to live? Go build the house on the rocks, mauka of the freeway, where you cannot grow crops. You can run pipi, but you cannot grow crops. Pipi: cows, Senator. You can run pipi, but you cannot grow crops. So put them where you cannot farm. That's where you put the houses, if you got to put houses.

"But when this land is paved over, and the next tsunami arrives, then all the little ants—12,500 homes times 4—50,000 people going be running around saying, 'Save yourself. Go to Costco; buy all the water. Never mind the cost. Go buy all the gas. Never mind the cost, because we're going to die.' That's what this bill is about: This is a fish-or-cut-bait bill. Where do you stand? You stand with ag or you don't. And all of the

improvements that may need to be done shall have that opportunity in the other chamber, but this bill takes a modicum of courage to say that policy makers stand with the 1978 Con Con to protect not marginal—not marginal—prime A and B land. Thank you."

Senator Slom rose in rebuttal and said:

"Just a brief rebuttal. I always enjoy the good speaker from Kahaluu; he perspires me, too. Just points of clarification, however, just so that there's no misunderstanding. I think he lumped the two speakers together; and he talked about the support for the project, and he may recall that I specifically said I oppose the project. I specifically said that you need not stand with a 15-, 20-, 30-year-old master planning decision; that it is up to the people to change those positions and plans as changes occur, and we've talked about that before. And also the good speaker from Kahaluu knows that I am the biggest opponent of the fixed rail \$6 billion train to nowhere, and I don't work for any housing or other developer.

"So I stand here, not to fish or cut bait—I like the idea of the avocados up in the mountains—but to say again, this bill is about mandatory lease extension. That's what it's about. It's not about all of the other good things that the Senator was talking about. It's about whether or not we interfere with the process, the process between a lessor and a lessee, and whether or not we are wise enough to see that there could be unintended consequences that would actually harm those in agriculture.

"And finally, to make sure that there's no misinterpretation, I stand absolutely for the important agricultural lands and for agriculture and those that bear the brunt of this very difficult process and industry. Thank you."

Senators Ihara, Nishihara, and Kidani requested that 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. 2469 was adopted and S.B. No. 2780, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Ihara, Kidani, Nishihara). Noes, 3 (Espero, Gabbard, Slom).

Stand. Com. Rep. No. 2471 (S.B. No. 2391, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2471 be adopted and S.B. No. 2391, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure as follows:

"This bill will, in part, reinstate \$1.6 million in OHA's budget. It was lost in the shuffle. I would like to suggest to my colleagues that this state is in economic malaise of unprecedented proportion. I think the Chairman of the Ways and Means Committee can validate that, trying to bring some semblance to the process. While we're cutting human services, cutting funding to charities, raising taxes that will further erode our tax base and hurt the economy even further, the Office of Hawaiian Affairs is sitting on \$300 million, the ultimate special fund.

"I happened to be watching C-SPAN when there was congressional coverage of the House debate on the version of the Akaka bill in the House. I heard a lot about autonomy, self-determination. Well, it's time for OHA to practice what they're preaching. If a bill does come from Congress granting some sort of sovereignty to the native peoples, I would suggest that there will be no more OHA, and Hawaiian Home Lands may be included in the land transfer. The bottom line is that

those interests that are beneficiaries of OHA now will have to find a way to sustain themselves with their own resources, but that's in the future.

"Today, we're looking at an organization that is taking money from the general fund to fund their administrative processes, while they're sitting on, last we could tell, approximately \$300 million in assets. The least they could do is run their administration out of their own corpus. So I would suggest that as this bill weaves it way through the process that it be amended and include total administrative costs and the funding of OHA from their resources and not the general funds of the State of Hawai'i. Thank you, Madam President."

Senator Hee rose in support of the measure as follows:

"Members, I appreciate the previous speaker's comments. He has been, if nothing else, consistent; and frankly some of his comments I agree with. But let's be clear on this bill. This bill represents what was agreed to by the Legislature on the conference committee in a public vote that somehow got lost, fell through the proverbial crack as it might be, from the time it was agreed to in conference committee and from the time the budget bill was published for us to take action. It may have been to no one's error that this unfortunate circumstance occurred, but this bill makes good on the commitment—the public vote by the conferees—at the time. To the extent that this bill may move forward today restores some measure of this body keeping its word it gave last year during the conference. I would ask my colleagues to please support the effort, at least this morning, and allow this measure to move forward. Thank you."

Senator Hemmings rose in rebuttal and said:

"The previous speaker is so very accurate. I definitely try to be consistent; and I voted 'no' in conference committee and that's why I'm standing to rebut the comments previously made. Circumstances have changed. Our state is in dire straits. This Legislature convenes to address the issues at hand. For OHA once again to be sitting on \$300 million and expect money that could be going to help the needy, the hungry, the poor, the aging, and the dying does not make sense. And that's why we're here at the Legislature—to do, hopefully, what makes sense. So I urge my colleagues once again to reconsider this when it goes through the process. Thank you, Madam President."

Senator Hee rose in rebuttal and said:

"This bill does not give money to OHA. Let's be clear about that. You know, if it did, this is not the vehicle. And, in agreement to the previous speaker, this bill does just the opposite. It commits OHA to provide funding for native Hawaiian children, students at HIMB (the Hawai'i Institute of Marine Biology) at Ho'okulaiwi in the College of Education at the University of Hawai'i, and at what the new UH President indicated on this very floor—on achieving the dream at the University of Hawai'i Community College System.

"This bill also commits the Department of Hawaiian Home Lands to assist in the construction of a new academy on the leeward coast and has the support of the SCHHA, the community organization in support of the Department of Hawaiian Home Lands, whose president is Kamaki Kanahele, the son of 'Auntie Aggie' Cope.

"This bill—if indeed circumstances have changed as they have—this bill would allow the other chamber to continue to work on it, and if it came to pass, would allow the Governor and her department heads to review it appropriately. But let us be clear: This bill does not gift or appropriate any funds to the Office of Hawaiian Affairs or the Department of Hawaiian Home Lands, but rather does just the opposite—it requires them

to commit to the education, post-high school education, of native Hawaiian students in programs on the Big Island and on O'ahu. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2471 was adopted and S.B. No. 2391, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2472 (S.B. No. 2387, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2472 was adopted and S.B. No. 2387, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Ihara). Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2473 (S.B. No. 2840, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2473 be adopted and S.B. No. 2840, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"In the original draft was a requirement for 80 percent of local workers for government projects, and of course, in the last couple of weeks we've been able to hear commercials in support of this measure from the unions. But what I worry about is if you have projects like many of my colleagues support, the government rail, where we've been told that the specialized nature of the construction requires people to come from outside the state, that means that that rail might not get built after all, and all the tax money that's being taken would be used for other purposes. So, I think that local preferences, while Professor Van Dyke has argued that they are legal and constitutional, I think the jury is still out on that issue; and secondarily, I don't think it's a good process because it always results in higher prices for local taxpayers. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2473 was adopted and S.B. No. 2840, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2474 (S.B. No. 2604, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2474 was adopted and S.B. No. 2604, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2475 (S.B. No. 2819, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2475 was adopted and S.B. No. 2819, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2477 (S.B. No. 2809, S.D. 2):



On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2477 was adopted and S.B. No. 2809, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2478 (S.B. No. 2490, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2478 was adopted and S.B. No. 2490, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY HEALTH CENTERS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Slom). Excused, 2 (Galuteria, Nishihara).

Stand. Com. Rep. No. 2479 (S.B. No. 2533, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2479 be adopted and S.B. No. 2533, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure as follows:

"This is very difficult to believe that we're going to be auditing a company that is saving the taxpayers an incredible amount of money. As we all know, it costs approximately twice as much—not quite, but almost twice as much—to house a prisoner here in Hawai'i as it does on the mainland. All the while, colleagues, all the while, we're not auditing the economic abyss that the DOE is—\$2.4 billion, and the reports just keep coming and coming and coming on their malfeasance—and we're auditing a private company that's providing a service to the people of Hawai'i that saves taxpayers a tremendous amount of money. So I would suggest that this is a misplaced priority, and if we want to do some auditing, we should start in our own backyard and start especially with the DOE. Thank you, Madam President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2479 was adopted and S.B. No. 2533, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE FEDERAL DETENTION CENTER," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Kidani, Nishihara, Taniguchi).

Stand. Com. Rep. No. 2480 (S.B. No. 2213, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2480 be adopted and S.B. No. 2213, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"While I certainly support the intent of the bill and support compassion centers—and as a matter of fact we've opened a compassion center up in my office in room 222, so if people want to be compassionate, they can come up there. However, what I don't like about the bill is that it imposes a new tax, a general excise tax of \$30 an ounce on the product under discussion, so I cannot support that. Thank you."

Senator Sakamoto rose in opposition to the measure as follows:

"After hearing the testimony of the police chiefs and prosecutors and the problems they pointed out, I don't think this

measure will help us to alleviate the drug problems we have, so I stand in opposition."

Senator Hemmings rose in opposition to the measure as follows:

"I wish to offer to my colleagues a consideration that should be included in this whole debate on medical marijuana. Marijuana may have a medical value that could be utilized in compassion centers. But until medical marijuana, as it's so called, goes through the rigorous process of the Federal Drug Administration that all other drugs have to, I would suggest that we're doing our people a tremendous disservice.

"Quite frankly, I sat in on a couple of committee hearings concerning medical marijuana and I was astounded by the testimony, in the manner in which it was given; and you can read into that as you please. My point is that we are talking about a very, very strong drug that seems to be, as with alcohol for some, a tremendously bad addiction that lasts a lifetime, but yet it may have some medicinal value. But we don't know. What we really should be doing here in the State of Hawai'i and nationally is requiring marijuana to go through the FDA process. But it really is rather comical to think that the 5,700 people plus that are registered as medical marijuana users, or most of them, are doing it for any other reason than medical; and I would suggest that itself is a problem. Thank you, Madam President."

Senator Hooser rose in support of the measure as follows:

"You know, I was not going to speak. We have a long day, but the previous speaker's remarks were offensive to many in our community who have serious illness. I know of people afflicted with cancer, with HIV, with other illnesses, whose only relief that they can find is through the use of marijuana prescribed by a physician who agrees with them. This State has already gone down the path of saying medical marijuana is permissible, and we're supporting that. This bill merely provides a vehicle, merely provides the counties with the authority to establish a system which allows those people who are legally using this substance to acquire it in a safe and legal manner to deal with their illnesses. It does nothing more than that. I urge my colleagues to vote in support. Thank you."

Senator Hemmings rose in rebuttal and said:

"Good Senator from Kaua'i: I think you did not hear me or did not care to hear me. I, too, agree that medical marijuana can have a tremendous medicinal value to those who have a genuine medical need. But I also know as a matter of fact that there are people that are exploiting the process for recreational purposes. I probably share your compassion for those who need marijuana to relieve their pain and are in dire medical straits, and that's all the more reason why this should go through the FDA to get approved to do just that. So I don't think there's any disagreement between myself and the previous speaker other than I see this bill furthering the misuse of marijuana. Thank you."

Senator Espero rose in support of the measure as follows:

"I just want to briefly say that this measure is a work in progress. This is the first time this Legislature has attempted to look at medical dispensaries; and its effect is not until August 2012, so two and a half years, which would give ample time for the counties and the feds to look at this, but, most important, for our State to see what is the best route to deal with it. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2480 was adopted and S.B. No. 2213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Sakamoto, Slom, Tsutsui). Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2481 (S.B. No. 2544, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2481 be adopted and S.B. No. 2544, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

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

“You know, five years ago, when we were asked to authorize \$48 million in special purpose revenue bonds, I supported the measure. I think technologically it’s sound and all of that. But I think we should be very careful in our issuance of these bonds. We should require stricter deadlines, rather than extending time periods, stricter deadlines on the developers of whatever the project is. We’ve also expanded the use of special purpose revenue bonds over the years, and we’re going to have another one coming up shortly about carbon and fossil fuels and so forth. I think we should have a much better and more transparent way of requiring that we actually see construction started, development done, and then we can authorize the use of these bonds. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2481 was adopted and S.B. No. 2544, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST HONOLULU SEAWATER AIR CONDITIONING LLC PROJECTS ON THE ISLAND OF OAHU,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Nishihara).

Stand. Com. Rep. No. 2482 (S.B. No. 2461, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2482 was adopted and S.B. No. 2461, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2483 (S.B. No. 2231, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2483 was adopted and S.B. No. 2231, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2484 (S.B. No. 2270, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2484 was adopted and S.B. No. 2270, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDICAID REIMBURSEMENTS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2485 (S.B. No. 2124, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2485 be adopted and S.B. No. 2124, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sakamoto rose in support of the measure as follows:

“It’s a sad day that we’re here with a bill like this to fund furloughs. Friday’s coming; we still have six furlough days this

year. Some people get lulled into thinking, ‘Well, that’s just how it is.’ I was at a school this morning, reading to fourth graders. The librarian asked the kids, ‘Well, what do legislators do?’ One kid shyly said, ‘Furlough days?’ Obviously everyone out there has talked to all of us—urging us to cure furlough days. And although we didn’t start this conversation and we’re not party to collective bargaining, we definitely need to do our part. This measure is, in part, creating an opportunity to use dollars that we’ve left there in this particular fund. The State has been in dire straits for many years. Many funds have been touched; and I believe this is an opportunity to use dollars in this fund because this purpose—education of our kids—rises above many of the other choices that we’ve had in the past. So, Madam President, let’s all do our part. Move this measure forward, and hope that the parties will take advantage of these dollars to come to a resolution, hopefully by Friday. If not, by the next Friday. If not, as soon as possible. Thank you, Madam President.”

Senator Kim rose in support of the measure as follows:

“Madam President, this bill will utilize \$86.1 million of the Hurricane Relief Fund. This will take care of the remainder of this year—the furlough days for this year—as well as all of it for next year. And this will also be appropriated to the charter schools, as well as all of the public schools; and so, like the previous speaker, I urge all my colleagues that we move this out quickly so that there’s no excuses why we can’t solve the problem. Thank you.”

Senator Slom rose in opposition to the measure as follows:

“It is indeed a sad day. It’s been a sad day for several months that the Board of Education, the Department of Education, the teachers’ union have held parents and students hostages. And now what we’re seeking to do, even though we’re not a part of the collective bargaining, we are getting involved in collective bargaining and we’re going to give money—extortion money—to the unions. We’re throwing more money at education. We’re not even listening to the three former Democrat governors who stress that systemic change is what we should be doing. This doesn’t provide any systemic change. It again throws money at the problem; and as we’ve seen, more than \$2 billion a year goes to Department of Education. We have not solved the problem. We’ve not improved class structure. We’ve not added instructional days. So, to me, I think this is a very bad precedent that we’re setting. We should not be doing it. And, again, it gets back to the heart of special funds. We had a special fund for hurricane relief. We’re raiding that fund, taking it for an entirely different purpose. Thank you.”

Senator Hemmings rose in opposition to the measure as follows:

“In forensics, they often talk about following the money. I’d like to follow the money in the DOE, but it’s impossible to do because they don’t know what they’re doing. A recent audit by Grant Thornton had a paragraph that was particularly interesting: ‘The DOE has reported workers’ compensation claims liability in the amount of \$66,893,192 as of June 30, 2007. The DOE was unable to provide sufficient evidential matter supporting the amounts accrued for this estimate, nor were they able to satisfy ourselves as to the recorded amount of the liability by other auditing processes.’ So what that really means is the DOE has \$66,893,192 workers’ comp liability, but they don’t know where it is.

“There’s a bill that went through the Higher Ed Committee—and I want to thank the Chairman of that committee for having the wisdom to hear it and pass it—about transparency. It’s such a chic word in the parlance of political process. Transparency for the DOE, modeled after legislation in Colorado where all

the budget matters of their departments of education are required at the state level to be posted on the internet. Testimony came from the acting superintendent that they really couldn't do it for a number of reasons: It would be very difficult, and one of the reasons included that for their administrators of this \$2.4 billion department, they keep their salaries on index cards.

"So I would suggest that giving more money—and I try so desperately to not offend anybody in speaking on these issues, but it has to be said. This organization's malfeasance and audacity to spend \$2.4 billion and produce, by standard testing, one of the worst products in the nation, and we have to raid funds to keep the teachers working? It is an insult.

"And we always talk about the keiki. Well, there was an art display, and interestingly enough, I looked into it, and it was by some children that weren't even in elementary school yet, but most of them were, and it was about furlough Fridays. To use children to plead your cause, children that are so impressionable and obviously hear what they are told in the classroom, I think is unconscionable.

"And I want to enter into the record the excuses we've heard—because they've been rebutted so well—for the public education system's abject failure. We've heard in the past: 'Give us more money and we'll do a better job,' and, 'We're having a difficult time because of the private school drain on public education.' Hawai'i does not have the highest percentage of students in private schools; we're ranked twelfth. So, bye-bye that lame excuse. Poverty: The percentage of poor students in Hawai'i is lower than the national average. Bye-bye that lame excuse. Special education: The percentage of special education need students in Hawai'i is lower than the nation average, so we can bid adieu to that excuse. Ethnic diversity; that's often used. You know, we have such a diverse culture. We do. That's oftentimes an insult to minority groups. I know, for instance, the Portuguese do very well in public schools. (Thank you for laughing good Senator; got one laugh.) But that's a lame excuse, too, because we all know that there are other states with much more problematic ethnic groups that are doing better. Educational funding: Hawaii's per pupil spending and average teacher and principal salaries are all higher than the national average. And yet, this organization, year in and year out, produces test results that rank us amongst the poorest performing system in the nation.

"Now, I know some people that are running for higher office or have other motives will stand up and tell us he's insulted or she's insulted by the fact that lots of schools are good and they're not all bad. Lots of kids are smart. And you know what? I agree. But too many are not. And I feel so sorry for those parents, and I feel so sorry for those children for several generations now that have a diploma from the public education system and can barely read it.

"When are we going to stop funding this huge, huge problem? When are we going to reorganize the Department of Education and put the resources in the classroom with the teachers and the students? Until we do that, we're going to continue to have these endless debates in the Legislature on how to fund a failing system and try to fool the people in Hawai'i to thinking we're fixing the problem by throwing their hard-earned money at it. I would urge my colleagues to hold them accountable. Something was mentioned about collective bargaining, and I will say this again for purposes of that issue pertaining to budget items: We should not rubberstamp collective bargaining agreements by simply funding them like it's some sort of mandate. I would remind everyone on this floor: We're the elected officials. I would remind everybody on the floor that we have a state constitution that says that we make the laws; that we make the budget; that we appropriate the money—not collective bargainers and union people whose only

interest is to fatten their own interest at the expense of children and taxpayers.

"This bill is probably going to pass, as many have this morning. It's not hard to keep the buck score here: 23-2. But I'll let you stand on your record, Majority Party, and I'd love to hear some people rebut me, tell me what a wonderful job the DOE is doing, and what a wonderful job the Board of Education is doing, and what a wonderful job those caring HSTA union leaders are doing. These are the very people that say we're keeping our kids out of school. 'Shame on us,' by not throwing more money at their cause when they themselves went on strike in the earlier part of this millennium and kept kids out of school for 21 days. Oh, but, shucks, we forgot that one, didn't we? Madam President, sooner or later, this Legislature's going to have to come to grips with this, and maybe the silver lining to the dark economic clouds that hover over the State is it will be sooner because we can't afford to continue like this. Thank you."

Senator Galuteria rose in support of the measure as follows:

"First of all, I'd like to, in many ways, agree, colleagues, with the past two speakers who articulated so well and illustrated points of value, but I believe that their particular position is totally misdirected towards this measure.

"My bottom line position on this, and I'm sure it illustrates the last two speakers as well as the chamber: Our keiki must receive quality education. What went down last year through furloughs led our children to receive the most meager education in our nation, colleagues. Now, this episode continues to bring shame on us as a state, as well as punishes our children by making them inadvertent casualties to our economic woes. Now, we can qualify and quantify and ponder about the difference between quantity and quality of education, but at the end of the day, it's our keiki who are being short-changed. Seventeen days is seventeen days is seventeen days; there's no other way to cut it.

"Now, some protest the use of the hurricane fund, obviously, and their points are well taken, but this will provide a course to remedy the problem, even if temporarily. If you ask our junior and senior high school students and their parents as well if they need temporary relief, most will say they concur. The reason I don't say 'all' is because some people are getting used to furloughs. That's unfortunate, but it's the truth. These kids are on their way to college. We are trying to save six more days, but time is running out. And in the spirit of full disclosure, colleagues, I'm a parent of a senior at McKinley High School who asks me constantly, 'How come, Dad? Why aren't you giving us our full measure of education?' We'll never know her full potential because we're not providing her with what we as students had in high school, and hopefully, what we can provide for those following this year. Ask the parents of the elementary school students. They know what's happening and they're not pleased either. Above and beyond the educational system, colleagues, we're creating a whole new generation of latchkey kids. Unacceptable.

"So, colleagues, I ask for your favorable consideration of this measure. We will address some of the concerns of the past two speakers in some other bills that are forthcoming, but for now, the public is paying attention. They're expecting a solution. Thank you, and thank you, Madam President."

Senator Sakamoto rose in rebuttal and said:

"I agree with the previous speaker: This is about the students and the kids. This is not about the adults arguing what could/should be. But in response to some of the comments, this body has bills before us today dealing with instructional days, more classroom time, common curriculum, the teacher standards board, junior kindergarten, principal and vice

principal certification, longitudinal data—many things, in addition to Board of Education changes. So, we're trying to do our part, and yes, there's a lot that needs to be done, but let's not penalize the kids as that debate goes on. We need to do this, and we hope—I pray—that our Administration and the respective teachers and other bargaining units can use this measure and other things to move us forward and resolve this as soon as possible for the kids. Thank you."

Senator Hemmings rose in rebuttal and said:

"If this really was about 'the keiki', then the teachers and the unions and all of those organizations would have found a way not to have furlough days. They simply could have used vacation days, they could have used teacher enrichment days, and all the other fancy names they have for not doing work and collecting a big paycheck."

Senator Baker rose in support of the measure as follows:

"Madam President, I have some remarks I'd like to have inserted, but I just want to say one thing to all of my colleagues here: It really is about the kids. I remember standing on a picket line with teachers, with parents, and some young children, and this one student had a sign that said—and she had actually a little jingle. I don't remember the whole gist of it, but the upshot of what she was saying was, 'We don't want more vacation. We want our education.' And to have a little third grader, who's, you know, lost a few teeth, and she really understands what maybe some of us adults don't get: It really is about time in the classroom, quality time in the classroom, and that's what we're trying to get with this measure. Thank you, Madam President."

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

"Madam President, I rise in support of SB 2124.

"Despite our repeated efforts to address educational needs in our community our schools continue to rank as the lowest in the nation. Too often fiscal shortfalls are born by the children of our community. This measure will address the needs of our keiki and get them back in school.

"The purpose of this bill is to ensure that Hawaii's students receive the education they deserve by restoring public school instructional days in the 2010-2011 school years that would otherwise be lost to furloughs. Specifically, this bill appropriates \$67 million out of the Hawaii Hurricane Relief Fund (HHRF) to the public schools, including charter schools. The intention is to return all DOE personnel who are in the classroom and support the classroom are returned to work.

"Some colleagues are concerned that the Hawaii Hurricane Relief Fund is being inappropriately tapped to pay for furlough days. Let's examine the purpose and function of the fund. The HHRF closed its doors at the end of 2001. According to HRS 431P-4(a) and the Insurance commissioner's own testimony, the purpose of the remaining HHRF funds is to redeploy the HHRF if there is another market scarcity in property insurance in Hawaii. Its purpose is to function as reinsurance for the private market. Therefore, the HHRF funds will not be used to cover individual property losses if we have a hurricane. These funds will not cover homeowners for their loss. Those losses are covered by private insurance companies from whom the homeowner has purchased insurance. The HHRF money is held, like an insurance policy, in the event that insurance companies pull out of Hawaii after a hurricane as they did after Iniki. Your Committee on Commerce and Consumer Protection believes that there are sufficient funds remaining to satisfy initial reinsurance needs and recommends that the funds used by this bill be replaced with bond funding or cash when economic prosperity returns. Since the closure of the program

in 2001, the fund has functioned as a savings account. It can continue to serve that function and its reserves can be bolstered by future legislatures.

"The chance of a hurricane hitting Oahu cannot bear more weight than the reality of our children missing school. The HHRF is the most reasonable vehicle to address school furloughs. Furthermore, the suspension of the mortgage fee in 2001 that went toward funding the HHRF, can be reactivated if we are worried about the depletion of the funds. The Insurance commissioner has that mechanism to address any shortfall that he foresees in the HHRF.

"One of the tools we can give our school system is the funding it needs to go forward. We ask that the bar be raised, we passed a bill for more instructional days and hours; we ask for better test scores, but due to lack of judgment all around we have kept the children out of school. We have the shortest instructional year in the county – 163 days. That cannot go forward for another year. This measure will provide children with what they need to succeed, more time in the classroom.

"This bill will ensure that needed funding is provided. I urge all my colleagues to support this important step to show the world that Hawaii cares about education and we are willing to put our money where our mouth is. Mahalo."

Senator Hooser rose in support of the measure as follows:

"Colleagues, I also enthusiastically support this measure. There are parts of it that I have a problem with, but my vote will be in support.

"You know, I think it's too little, too late. For the record, the Majority of the Senate stood up in late October-November and said clearly that the furlough solution is unacceptable and that we proposed taking money from one of the special funds, the Hurricane Fund or otherwise, and restoring at least the rest of this year, wholly. And I'm very proud to be part of that group in the Majority that wanted to do that. Shortly thereafter, the House essentially concurred, and then the Governor finally said, 'Well yes, maybe if we can get agreement, we'll do that, too.' And it's unfortunate—it's more than unfortunate, it's... The word will come to me, but it's very, very bad the Governor has not been able to come to terms with this, and we frankly don't have the power to negotiate by Constitution. We don't have the power to cut the deal, and that's where my objections, my concerns, my reservations to this measure comes from is the provisions within this that require teachers to give up a certain number of planning days in return for the furlough days. I don't support that. I believe we should leave that to negotiations. But that is up to the Governor; and I would say that in that respect, there's been a total absence of leadership on the part of the Governor. There is no leadership. And while we try as a legislative body to exert leadership, it's like pushing on a string, which is very, very frustrating: the failure of leadership.

"Recently, the Governor, as a symbol of the kind of leadership that's being utilized, accused the Hawaii State Teachers Association about caring more about the money than they do about the children. You know, I would say that's the pot calling the kettle black. Actually, I think there are far too many people who care more about the money than they do the children.

"As mentioned earlier, there are a growing number of latchkey children. I know of families personally whose 11-year-old children are watching 7-year-old children while mom and dad are at work. We had a tsunami warning—could have been a disaster—on Saturday, and fortunately, that earthquake originated in Chile and not on the Big Island. If that had originated here, locally, on a Friday, we would not have had the warning we had, and those children would be stuck alone in



their homes on a furlough Friday when a major disaster could have occurred.

"There is no question that the current budget crisis is a temporary crisis, while the impacts of furlough Fridays could last a lifetime. We trust teachers with our children. We trust them to mold their brains, their personalities, their lives, and their futures. For some, the only positive role model that these students have is their teacher, but now they're stuck home without that role model. Sometimes it's the only place they get a decent meal. Sometimes that's the only safe place they have to go, and now they're without that.

"Some want to blame the teachers, but, you know, I don't blame the teachers. If I was them, I'd feel the same way: working twelve hours a day; hot, crowded classrooms; taking money out of pocket only to get bashed over and over again, sometimes by politicians, oftentimes by columnists and the media; trying to do their best; dealing with parents and community who expect miracles. And they're getting better actually, Madam President, colleagues. If you look at the test scores, test scores are improving, but they don't get any kudos, they don't get any congratulations, they don't get any more support. All they get is criticized and put down: more top-down directions, more forms to fill out more IEPs, more directives. You take away their health care system. Then we give it back to them, but then not really. It's only a year, it's only two years. We give them planning days, then we take the planning days back from them. They're some of the most important people in our community, and we end up dumping on them over and over again. We need to support our teachers. We need to pay them what they deserve. We need to provide them the support and the planning and the respect they deserve and let them do their jobs.

"To punish our children because we're mad at the Department of Education is just totally beyond me. You know, I also agreed and supported bills to audit the Department of Education. I agree we could do better; I agree they could function much better. But you know, you don't hear from anyone on this floor today—you certainly don't hear from the Minority Party—talking about the billion dollars the Administration has locked up in a Ponzi scheme that we can't get to. They call it auction-rate securities, but to me it's no different than a Ponzi scheme. It paid way higher than normal rates of interest. You buy it and then you sell it. You get your money back when the next investor buys in a month or two later. We have a billion dollars in it. I don't hear any criticism, any demands for audits of the Administration for that. We have a quarter of a billion dollars tied up in special funds, and yet our kids aren't going to school. We have a failure of leadership, and it's time that we move on; and I believe that this Legislature, this Senate, by passing this measure, will send a statement that our children and their education is important to us.

"And it's not just about teachers. I suppose we have not heard the rest of the discussion today, but I'm sure there will be much more bashing of public workers. There'll be bashing of cafeteria workers, custodians, clerks—all of those people essential to running our schools. We need nurses. We need to fund the schools properly. This budget crisis is a temporary situation but again the damage is permanent.

"There's much bandying about of statistics earlier, Madam President. Our teachers, entry-level teachers, get paid less than \$40,000 a year. When you figure in the cost of living, we're at the bottom in terms of the comfort score that organizations that rank teachers by state calculate. We need to take action. We need to stop blaming the DOE and punishing our kids because we're not happy with the system. We need to ask the Governor to put aside the ego and to sit down with the HSTA, the BOE,

and the DOE, take a big deep breath, and put our kids back to school. Thank you, Madam President."

Senator Nishihara rose in support of the measure as follows:

"I share the concerns of the previous speakers; however, this measure will not correct the system's failure, but it will not further penalize students. As a former teacher and administrator, I would not have chosen the path that led us here, but at this point in time, those larger questions and concerns need to be more thoughtfully carried out outside of this body with a larger discussion that involves all of our community. I will vote in support of this measure and ask others do to so as well. Thank you."

Senator Chun Oakland rose in support of the measure as follows:

"As a proud public school graduate and mother of public school children, I echo the sentiments of the Kaua'i senator. Thank you."

Senator Espero rose in support of the measure as follows:

"I just want to reiterate my support for this measure and for all of those who have spoken. As was stated, in October a group of parents and students came up in our rotunda and advocated against Friday furloughs, almost five months ago. Many of us wanted to have a special session before December. We wanted to be taking a vote similar to this one in 2009, but unfortunately we weren't able to get to that point, and now five months later and many school days and hours of loss of classroom instruction, we are in a position to correct a situation which never should have occurred.

"Other countries have 240 days, 220 days, 200 days. We have 161 days, the lowest in the nation, probably one of the lowest in the industrial world. We saw the attention in the media, not only nationally, but internationally. We heard from President Obama and his education secretary. We were not directly responsible for this situation, but we could've resolved it in 2009. We did not. We are now taking it up. This is obviously the right thing to do. We can no longer jeopardize our children's future, their education. This is unacceptable to allow these Friday furloughs to continue; and I want to thank the WAM Chair and everybody who worked on this bill to get this through. End Friday furloughs; get our students educated. Thank you."

Senator Hee rose in support of the measure with reservations as follows:

"This bill should be tied to an audit of the Department of Education. This is like giving a diabetic candy and rewarding the diabetic for having a sugar fix that's wrecking the diabetic's life. The fact of the matter is the Department of Education does not have change agents. The Board of Education couldn't care less about change agents. The Board of Education is complicit with the teachers. The Superintendent of Education is complicit with HSTA. They can't remember if they represent the employer or the employee. The Governor understands she's the employer, but the four-legged stool has three employees and one employer when it should be the other way around.

"The interim superintendent indicated that closing schools wouldn't save enough money. She's wrong. Anybody, anytime, can take the DOE handbook, divide the number of teachers into the number of students, and you will come out with 1 to 15. The student-teacher ratio is 1 to 26.1. I can hear the defenders now. 'Well, the reason is because special ed is 1 to 1.' That's correct. But surely, is there anyone with a reasonable amount of sanity that could not assert that teachers should be redeployed to save taxpayers money and to move that student-teacher ratio closer to where it belongs? Any school.

Any school, any district; and I regret that I don't have the book with me. Divide the number of teachers into the number of students; if it's at the elementary level, it's closer to 1 to 13. If it's at the intermediate level, it's 1 to 15. If it's at the high school level, it's closer to 1 to 16. So where did all the teachers go? Well, there's a high school in my district, at one time had two and a half athletic directors. Two and a half athletic directors. Not too many championship teams, but two and a half athletic directors. Maybe they need three and a half athletic directors; maybe that's the problem. Instead of two and a half, it should be three and a half.

"The fact of the matter is the Department of Education needs change agents, not defenders of the status quo. Uh-oh, I sound like somebody who might be making sense. It's easy to stand up here and say, 'Well, geez, support this bill because it's the teachers.' I used to be a teacher. I taught at five elementary schools on Moloka'i. I taught at Kailua High School, Kalāheo High School, Moloka'i High School, Windward Community College, Maui Community College, the Community College of Micronesia—that's how desperate I was to get a job.

"This is like giving candy to a diabetic; real simple. But if you want to put a stick on that candy, then attach an audit to the Department of Education so that change can be expected along with the sugar. The time has long passed for an audit of the Department of Education, and there's no better reason than now to do so. But unless that four-legged stool changes to how it should be—three employers and one employee—the tail, as stubby as it is, will continue to wag the dog. Thank you"

Senator Slom rose in rebuttal and said:

"I do appreciate the comments of the last speaker. I think he's absolutely correct. Change agents: That's what it's all about. As I mentioned initially, all we're doing is throwing money at a problem which—my colleague from Waikiki is quite correct—has gotten us national and international shame. But there's no solution here; all there is is more money. There's no solution. If this bill said, 'and we're going to transfer this money and this is what's going to happen or this is what's going to change,' then we could support it, perhaps, but there's none of that. And for all of these speeches about how we love the keiki and how we're going to improve things and save them and give them food and give them sustenance—and oh, by the way, I learned that the tsunami came on Saturday, and Friday in certain districts, but not on Saturday—for all of that discussion, that's not in this bill. All we're doing is transferring money out and we're giving more money. Nobody has stood up here and bashed teachers or bashed public employees, as so often is the subject of a speech here. We respect these professions. We want them to be adequately paid. We want them to have adequate benefits, and health and safety, and all of that. That's not in this bill. All this bill is doing is taking more money and giving it to the same people with the same low expectations and benchmarks.

"And this idea of the DOE, of an audit, you know people from the outside really don't understand why the Legislature for so long has dug in its heels and said, 'Yeah, well, we'll audit everybody else but not the DOE.' Not the single source, the largest source of general fund money. Not the largest expectation for education of our children. We won't do it. We don't care how they spend the money. And they don't know, because we've had hearing after hearing, we've had investigations, and we've asked them, and they don't know. So how could we, in acting prudently say, 'Well, we understand all that, so let's give them more money.'

"As a diabetic, I would welcome the sugar without the stick, but that's another issue. And I know this is a wonderful opportunity for those people that want to bash the Governor to continue doing that, but that's not the issue either. The issue is

a mistake was made on furloughs. We should end the furloughs. All of us should be together on that, but it should not be dependent on another \$86 million or \$150 million or \$300 million. We need those change agents, and we have the ability and the clout to demand them, but only a few of us in this body seem to think that that's important enough and that's the right direction.

"So, again I say, Madam President, I'm opposing this bill because unless and until we make these systemic changes, we are not going to progress. And maybe that's why the acting superintendent of education has her children in private schools. Thank you."

Senators Ihara, Gabbard, and Bunda requested that 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. 2485 was adopted and S.B. No. 2124, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Bunda, Gabbard, Hee, Ihara). Noes, 2 (Hemmings, Slom).

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

The Senate reconvened at 12:36 p.m.

S.B. No. 707, S.D. 1:

Senator Baker moved that S.B. No. 707, S.D. 1 pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure as follows:

"It was difficult to take a position because I think both positions on the bill were informative and important. But you know, we spent so much time with the procurement process over the last couple of years, so when it comes to procurement and exemptions, I will almost always defer to the chief procurement officer. And he was opposed to this bill, saying basically that the PEG access—the public education government component of cable television—really does not rise to having the services exempted; and for me I think that's important enough. I support autonomy from the different agencies, but I think that transparency and regulation, if we're going to have it, is important as well, and the procurement process should be the defining factor. Thank you."

Senator Baker rose in support of the measure as follows:

"Madam President, this is an issue that is not new to this body. We've worked on it for several sessions, and the Department of Commerce and Consumer Affairs has tried unsuccessfully for at least three times to get a procurement solicitation out the door that would work. Those efforts have been a failure. The PEG access services are not like procuring paper or pencils or computers or widgets. It is very different. It's a service that doesn't even fall into the category like health and human services that has special rules. We even went so far as to put a working group together made of the PEG access representatives, other folks in the community that could loosely be defined as stakeholders, as well as members of both the House and the Senate, to see what else we might come up with to procure it in a 'more normal fashion'; and the resounding recommendation was that the discretion, like with cable television, should be with the director of the DCCA to negotiate the best deal for these services to make sure that the services continue to live up to their mission, which is supporting public education and government TV.

"These services are very important on the neighbor islands because they give us one of the only opportunities we have to

have something akin to local programming and local television. When you look at the testimony, you find that even the director of DCCA recommended support for this measure, as did the Comptroller. The all acknowledge—and actually if there had been one less person ill at the time of the last procurement policy board meeting, they would have granted the exemption.

“It’s time for us to move on and make sure that we have appropriate services, appropriate contracts in place, and that’s what this measure does, and I urge my colleagues to support it. Thank you.”

The motion was put by the Chair and carried, S.B. No. 707, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CABLE TELEVISION SYSTEMS,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2790, S.D. 1:

Senator Sakamoto moved that S.B. No. 2790, S.D. 1 pass Third Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure as follows:

“This bill requires the timely notification of parents and guardians and procedures for the discussion of potentially controversial issues in the classroom. I was very troubled by this. I think part of the impetus may have been the discussion of controversial sexual issues—abortion and so forth—but then I thought about it. Suppose a member of the Republican Minority were invited to school to discuss issues, and some people might think that that would be harmful or a potentially difficult situation and we wouldn’t be allowed to speak. The idea is that this is very broad and very vague, and I think issues of free speech and First Amendment rights come up to the level of importance, and I don’t think we should be legislating this kind of bill. So, I stay in opposition. Thank you.”

Senator Sakamoto rose in support of the measure as follows:

“For clarification to the previous speaker, this measure, the active part, says, ‘after the occurrence of a situation that may have caused physical, psychological, emotional harm to the child,’ etc. I think that perhaps in one of the summaries it still talks about ‘pre-’ or ‘prior to’, but this bill deals with ‘after’. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2790, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2927, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 2927, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION ENERGY INITIATIVES,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2551, S.D. 1:

On motion by Senator Gabbard, seconded by Senator English and carried, S.B. No. 2551, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NET ZERO ENERGY BUILDING PERMITTING,” passed Third Reading on the following showing of Ayes and Noes:

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

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

Senator Chun Oakland moved that S.B. No. 2341, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Baker rose to request that comments in support of the measure be entered into the Journal.

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

“Madam President, I rise in support of SB 2341.

“Despite our repeated efforts to address the causes of domestic violence in our community and assist the victims of domestic violence, our community has not been able to stop this scourge. There are an estimated 3 million incidents of domestic violence reported each year in the United States. Too often these incidents result in severe bodily injury, long-term psychological harm and even death.

“One of the primary reasons women do not leave an abusive relationship is economic. If a victim of abuse cannot support themselves with employment, they will stay in the abusive relationship and risk injury or even death.

“We, as a legislative body, must try to fill the policy gaps to help the victims of domestic violence. In doing so, we strive to reduce the number of incidents of domestic violence and give the victims the tools they need to end the abuse.

“One of the tools we can give those victims is to ensure that their employment search and attainment will not be hindered by the past or their current status. That is what SB 2341 sets out to do. SB 2341 prohibits employers from discriminating against an employee based on an employee’s or applicant’s domestic abuse victim status.

“This bill will ensure that victims of domestic violence are not held economic hostage in an abusive relationship. Victims will be able to seek employment without discrimination and continue on a road to recovery and freedom from abuse. I urge all my colleagues to support this important Women’s Legislative Caucus bill. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 2341, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT RELATIONS,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2339, S.D. 1:

Senator Takamine moved that S.B. No. 2339, S.D. 1 pass Third Reading, seconded by Senator Taniguchi.

Senator Slom rose in opposition to the measure as follows:

“I think all of us certainly want to expedite workers’ compensation proceedings, but we want to make it right and we want to have flexibility to make sure that all of the information is timely and is helpful, particularly for the worker. This bill takes away that flexibility from the director of the Department of Labor and Industrial Relations, and I think that there are certain times when we should wait if the circumstances define that. It’s not a question of delaying compensation or delaying service; it is a question of getting it right. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2339, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKERS’ COMPENSATION,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2287:

Senator English moved that S.B. No. 2287 pass Third Reading, seconded by Senator Chun Oakland.

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

The motion was put by the Chair and carried, S.B. No. 2287, entitled: “A BILL FOR AN ACT RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Espero). Noes, none. Excused, 1 (Hee).

S.B. No. 2747, S.D. 2:

Senator Kim moved that S.B. No. 2747, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in support of the measure with reservations as follows:

“This is the annual bill that we have—the conformity bill—conforming Hawai‘i state income tax laws with the federal internal revenue. But every year I have to get up and make the same speech because every year one of the sections that is not conformed is the amount of personal exemption. In Hawai‘i, we are one-third of a citizen if you compare it with the federal exemption. I think that should be remedied. I don’t know what the reluctance is year after year because we’ve had this reluctance when we were in the best of financial times as well. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2747, 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, 25; Ayes with Reservations (Slom). Noes, none.

S.B. No. 2249, S.D. 1:

Senator Taniguchi moved that S.B. No. 2249, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“This bill would create yet another special class for victims; in this instance, water safety officers. And while I have the utmost respect for water safety officers—primarily, we’re talking about lifeguards—I don’t think that they should be in a special class. I think that by this law, which would change a current misdemeanor into a felony, what you’re doing—we have special classes for police and fire and different officials. If a crime is committed against an individual, that crime should be punished to the maximum, and the fact that a person is not in a special class should not be the determining factor for the prosecution of individuals. If somebody assaults me as an individual person, a family member, a small business person, it should be just as egregious as if somebody assaults a lifeguard or someone else. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2249, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PENAL CODE,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2877, S.D. 1:

Senator Taniguchi moved that S.B. No. 2877, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senators Ihara, Hooser, Tsutsui, and Baker requested that their votes be cast “aye, with reservations” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2877, 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, 25; Ayes with Reservations (Baker, Hooser, Ihara, Tsutsui). Noes, none.

S.B. No. 2878, S.D. 1:

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, S.B. No. 2878, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRUSTEES,” passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 2937, S.D. 1:

Senator Taniguchi moved that S.B. No. 2937, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“A couple of years ago, we passed a bill about a vexatious individual. It was a bill basically for one individual who was harassing many of us in the Legislature, continually asking for information, and if we didn’t provide the information in a timely manner to go to different agencies. This bill is a little bit different. This bill talks about vexatious requestors and individual or individuals that continually ask the same type of questions. The genesis of this bill is the Department of Health and people that are asking about the birth certificate of our President. And it is true they have gotten a lot of requests, locally, nationally, and all of that. But this bill is so broad that it would affect individuals who are asking government agencies for information; and, as we know, oftentimes government agencies do not provide that information in a timely manner, and so it would allow agencies basically to classify this person as a ‘vexatious requestor’, thus denying the information altogether.

“I think that the number and amount of people that are involved in really creating extra work for individuals and for agencies is very small. The damage that would be done to the public by allowing greater discretion from departments to withhold information or to label a person as someone who basically is a troublemaker because they say, ‘Have you done that yet? Can you give me that information yet?’ It would be like someone, for example, going to the Department of Education and asking over and over and over and over and over again for the financial information. Why, they could be determined to be a vexatious requestor, and they could be totally ignored. I think this goes far beyond what we should do in terms of people that are causing problems within the system or in the agencies that are designed to provide information and paid for by the taxpayers. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2937, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2252, S.D. 1:

Senator Taniguchi moved that S.B. No. 2252, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Ihara rose in support of the measure with reservations as follows:



"Madam President, this bill was drafted and introduced at the request of the Campaign Spending Commission. Senate Bill 2252 adds several good and necessary things to the state election campaign law; however, the bill before us has three important provisions missing that were deleted by the Judiciary Committee. For the members' edification, I'd like to describe the deleted provisions.

"No longer in this Campaign Spending Commission bill is the requirement that corporations make contributions only through the corporations' political action committee. This requirement would have been triggered when the corporation makes contributions or spends over \$1,000. Deleting this requirement removes transparency from corporate campaign contributions and expenditures. The U.S. Supreme Court recently ruled in the Citizens United case that independent expenditures could not be limited, and because of this ruling, there's much concern that we'll see even greater corporate influence on elections through their political advertising. So now, Congress is planning to require reporting of these activities, but Hawai'i is moving backwards by deleting reporting requirements as proposed by the Campaign Spending Commission.

"This bill also deletes an existing provision that limits corporate contributions to PACs at an aggregate amount of \$1,000.

"The final deletion is the amount that a corporation can give to its own political action committee.

"Madam President, I also have concerns about two provisions proposed by the Campaign Spending Commission. I agree with the Commission's proposal to repeal the requirement that it adopt a code of fair campaign practices, but I would have preferred making such a code optional, which I think would have helped or could help to encourage fair campaign practices.

"Finally, the Commission proposes making fines for violations discretionary rather than mandatory. I believe there should be mandatory fines for violations because the Commission would and can today still have discretion in choosing the amount of the fine: the less severe the violation, the smaller the fine. Instead, this bill makes all fines discretionary and does not provide any criteria for when a fine should be assessed. At the very least, I believe the Commission should be instructed to assess fines based on the severity of violations.

"Madam President, these are my concerns, and I hope that they would be considered in conference committee. Thank you."

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

Senator Hemmings rose in support of the measure as follows:

"I would like to enter into the record a consideration for this bill as it weaves through the process, and to the often heard rationale for a lot of initiatives' fairness. And I would submit to you that singling out corporations and their contributions is extremely one-sided and, I might submit, unfair. I think all of us know that on election day in the general election, which is on a Tuesday, that the taxpayers in the State of Hawai'i are subsidizing the voting of the single biggest and most powerful special interest group in the State of Hawai'i—public workers, who have the day off, who are being paid by the taxpayers, oftentimes as being told by their steward to stand on the side of the road waving signs for a candidate they may not even know. And how do I know this? Because I've talked with them.

"The bottom line is there are many improprieties and things that could be dubbed unfair by one side or the other in the

campaign process. I personally agree with the recent Supreme Court decision allowing corporations to make donations simply because of the in-kind contributions of other special interest groups, one of which I just mentioned, far exceeds the influence and leverage given to one candidate or another by a special interest group.

"The public has a way of sorting things out in a free society, and the minute we start trying to make rules and regulations in campaign spending that try to inhibit one side oftentimes leads to problems, and I hope this is taken into consideration as this bill goes through the process. Thank you, Madam President."

Senators Ige and Kidani requested that their votes be cast "aye, with reservations," and the Chair so ordered.

Senator Ihara rose in rebuttal and said:

"I would point out that, in my remarks, corporations include unions. Unions are corporations. A lot of private organizations, they are non-profit corporations. In their case, they may be a trade association type of corporation, but they are all within the definition of a corporation, so I'll have to clarify in the future that corporations include unions. What makes unions perhaps different is that where they collect small donations from many members in a political action committee, that's treated different than the treasury of the union—when the union takes union dues—or when a corporation has its profits or revenues, there's a corporate treasury; and my remarks about limiting contributions deal with contributions from a corporate treasury or even a non-corporate treasury, and not PACs. Thank you, Madam President.

Senator Hemmings rose in rebuttal and said:

"I fully appreciate the previous speaker's intent. I did not misunderstand that at all. What I am saying is that government employee unions get an incredible contribution from all the taxpayers by getting the entire day off on election day, which amounts to a huge asset politically for those lucky enough to receive their endorsement and support. So that's the point I was trying to make. It's totally unfair to everyone else has to go to work and get some minimal amount of time off just to vote, as opposed to public workers' unions who spend a good portion of their day on assignment for a particular candidate that the union has chosen to endorse. And I would remind everyone that this Legislature does a really, really good job of taking care of those unions. Thank you, Madam President."

The motion was put by the Chair and carried, S.B. No. 2252, 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; Ayes with Reservations (Hooser, Ige, Ihara, Kidani, Slom). Noes, none.

S.B. No. 2617, S.D. 1:

Senator Taniguchi moved that S.B. No. 2617, S.D. 1 pass Third Reading, seconded by Senator Takamine.

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

The motion was put by the Chair and carried, S.B. No. 2617, 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; Ayes with Reservations (Ihara). Noes, none.

S.B. No. 2251, S.D. 1:

Senator Taniguchi moved that S.B. No. 2251, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Ihara rose in support of the measure with reservations as follows:

“Madam President, first I’d like to note that the bill description conceals what it actually does. I’m sure not intentionally, but it says that the bill updates, organizes, and clarifies current campaign spending laws. But the bill actually changes the current law in a number of important ways, and I’ll point them out.

“First, Senate Bill 2251 deletes an existing provision that limits corporate contributions to PACs at an aggregate amount of \$1,000. That is in the current law. The bill also deletes the requirement that all corporations must register as a political action committee. That is in the current law; and these deletions are substantive changes to the current law.

“While this bill is consistent with last year’s Tavares Appeals Court ruling, the ruling allows corporations to make direct contributions to candidates, but this bill does not provide for any reporting requirement. The purpose of our campaign finance laws is to provide transparency so the public can easily learn the funding sources of campaigns. For many years, until the Tavares case, which was ruled by Circuit Court a couple years ago, voters could conveniently see the expenditures corporations—which includes unions—made to influence elections, but now there’s the cumbersome task of looking up dozens of candidate reports to tally how much a corporation or union contributes. That’s if the bill passes the way as it’s drafted today.

“I am also troubled by section 11-DD on page 50 that allows ten donors to contribute up to \$500 at a political event without having to record the donor names or amounts donated. This could allow one donor to give \$400 in cash and nine others to give \$10 each, and all of these donations could be, under this current language, anonymous. I believe allowing these anonymous donations as I’ve just described can only lead and cause unnecessary mischief, and I hope the chairs could consider this in conference committee.

“My other concern is allowing campaign spending commissioners to participate in political party activities. This would allow commissioners to have ongoing political relationships with the very people they regulate. I believe this is not acceptable.

“Finally, I note that Senate Bill 2251 triples the amount of campaign funds that can be donated to charitable causes; in particular, community groups and public schools and libraries. Currently, for Senators, we can give up to \$4,000 in campaign funds in an election cycle to community causes. This bill would increase this amount to \$12,000. A decade ago, there was no limit. Today, it’s \$4,000, and this bill proposes, for Senators, to triple that amount. Legislators and candidates could donate previously, when there was no limit, thousands and thousands of dollars to community groups from their campaign war chests, but a decade ago or so, news articles reported on numerous donations to community groups made by well-funded and well-meaning public officials. These news stories describe donations that many in the community perceived as improperly influencing nonprofit groups’ support of their campaigns for these generous candidates. Public trust was harmed then, and I worry about again allowing abuses that originally led to the limits currently on the books today.

“As this bill is considered in conference, I would request that the bill’s section 1 purpose statement be amended to include the above changes to the current law, rather than saying that this is simply a recodification of existing law because this would more accurately reflect what the bill does. I also would like to request that the original declaration of policy that was in section 1 of the bill be reinserted. This was language proposed

by the Campaign Spending Commission, and I’ll quote: ‘The purpose of this part is to ensure the integrity and transparency of the campaign finance process. Integrity is essential to promote the public’s confidence in government. Transparency provides disclosure of contributions and expenditures to assure the public is fully informed.’ This language was deleted, and I request that it be reinserted during conference. Thank you, Madam President.”

Senators Slom, Kidani, and Hooser requested that their votes be cast “aye, with reservations” and the Chair so ordered.

At 1:06 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:09 p.m.

Senators Tsutsui, Chun Oakland, Gabbard, Tokuda, Espero, Ige, Baker, Green, and Nishihara requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2251, 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; Ayes with Reservations (Baker, Chun Oakland, Espero, Gabbard, Green, Hooser, Ige, Ihara, Kidani, Nishihara, Slom, Tokuda, Tsutsui). Noes, none.

S.B. No. 2800, S.D. 1:

Senator Taniguchi moved that S.B. No. 2800, S.D. 1 pass Third Reading, seconded by Senator Takamine.

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

The motion was put by the Chair and carried, S.B. No. 2800, 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, 25; Ayes with Reservations (Hooser). Noes, none.

S.B. No. 2045, S.D. 1:

Senator Taniguchi moved that S.B. No. 2045, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“The bill sought to toughen up or to add laws related to human trafficking, both sexual trafficking and labor; and while I absolutely support strong laws in that area, the Attorney General, the City Prosecutor, and other law enforcement people testified that existing laws already do everything that this bill proposed to do. There were a number of extensive amendments that were proposed, and the good Chairman of the Judiciary Committee I think included most of them in the Senate draft one of the bill, but we are still left with a bill that is a little bit vague and goes beyond what at least the law enforcement community thought was necessary. So on that basis, I’ll be opposed to the bill. Thank you.”

The motion was put by the Chair and carried, S.B. No. 2045, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRIME,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 2450, S.D. 1:

Senator Taniguchi moved that S.B. No. 2450, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Sakamoto rose in opposition to the measure as follows:

“Similar to the earlier measure discussed, the police chiefs and prosecutors all opposed the measure. So, I’d ask colleagues to oppose the measure as well.”

The motion was put by the Chair and carried, S.B. No. 2450, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MARIJUANA,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Hemmings, Sakamoto, Tsutsui).

S.B. No. 2460, S.D. 1:

Senator Hee moved that S.B. No. 2460, S.D. 1 pass Third Reading, seconded by Senator Fukunaga.

Senators Hooser, Tsutsui, and Ihara requested that their votes be cast “aye, with reservations,” and the Chair so ordered.

The motion was put by the Chair and carried, S.B. No. 2460, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE KAHOLAWE REHABILITATION TRUST FUND,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Hooser, Ihara, Tsutsui). Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 2516 (S.B. No. 2770, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2516 be adopted and S.B. No. 2770, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure as follows:

“Originally, there was no testimony received on this bill, and then there was testimony I believe from the Board of Pharmacy who did not reach any consensus whatsoever, yes or no. So, I would say on the basis of that information, we do not need this bill and I oppose it. Thank you.”

Senator Baker rose in support of the measure as follows:

“Madam President, there was testimony in the first committee. To speak to the concerns raised by the Minority Floor Leader, these are housekeeping amendments. It’s not unusual that you wouldn’t have a lot of testimony on this, although there was testimony in the prior committee, and that’s why we continued to move it out is because it’s clarifying. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2516 was adopted and S.B. No. 2770, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REMOTE DISPENSING PHARMACY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2517 (S.B. No. 2817, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2517 be adopted and S.B. No. 2817, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure as follows:

“Here we have another example of the Legislature overriding things that a homeowners’ association can do. We got a lot of publicity last year with the clothesline bill, and this year in the House with the flagpole bill so far. You know, we should have a consistent policy, and the policy should be: It should be up to the homeowners’ associations as to what they do. As long as they follow their own rules, as long as people have an opportunity to have input, we shouldn’t be dictating to them

what they can and cannot do, particularly in this instance here where we pick a percentage of lack of productivity for solar devices. Again, that should be up to the associations. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2517 was adopted and S.B. No. 2817, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2518 (S.B. No. 2858, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2518 be adopted and S.B. No. 2858, S.D. 2 pass Third Reading, seconded by Senator Ige.

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

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

“Madam President, I rise in support of S.B. 2858 S.D. 2.

“In the world of electricity production, wheeling is a powerful concept.

“Wheeling makes electricity less expensive by removing the middle man.

“That means that power producers can sell electricity directly to consumers and pay the utilities only a transmission fee for the use of their grid.

“This bill narrows the approach by allowing only power producers generating electricity from renewable sources on state land to sell electricity to state agencies on the same island, thereby locking in energy costs at an affordable rate.

“This means that a solar farm on the campus of UH West Oahu also could supply power to UH Manoa.

“Or a wind farm or solar array at Honolulu International Airport could supply electricity to the State Capitol.

“This bill would help reduce the state’s expenditures on electricity.

“So I ask that you join me in passing this bill.

“Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2518 was adopted and S.B. No. 2858, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RETAIL WHEELING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2519 (S.B. No. 2844, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 2519 be adopted and S.B. No. 2844, S.D. 1 pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure as follows:

“This bill is very interesting because it puts restrictions on insurers and other associations and bars them from denying or limiting the coverage on the basis that the covered person in an anatomical organ transplant is infected with the HIV virus. I think that insurers are allowed to limit or restrict or ban transplants if someone had cancer or certain other diseases, and so I find it curious that we’re just picking this and limiting it as far as HIV. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2519 was adopted and S.B. No. 2844, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL TRANSPLANTS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2521 (S.B. No. 2331, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2521 was adopted and S.B. No. 2331, 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, 23. Noes, 2 (Hemmings, Slom).

Stand. Com. Rep. No. 2523 (S.B. No. 2105, S.D. 2):

On motion by Senator Kim, seconded by Senator Chun Oakland and carried, Stand. Com. Rep. No. 2523 was adopted and S.B. No. 2105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2524 (S.B. No. 2324, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2524 be adopted and S.B. No. 2324, S.D. 2 pass Third Reading, seconded by Senator Chun Oakland.

Senator Slom rose in opposition to the measure as follows:

"Here we are troubled with the unemployment compensation reserve fund, and we're about to raise the rates substantially on employers; and yet, this bill would allow those employees who are working part-time, even if they voluntarily quit or separate themselves from a business, to be able to claim part-time unemployment compensation benefits, even if they're working in addition with another job where they can claim it. So basically, it's double-dipping. It will take more benefits, more cost, and again I remind everyone that only employers pay unemployment compensation tax. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2524 was adopted and S.B. No. 2324, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2525 (S.B. No. 2466, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2525 was adopted and S.B. No. 2466, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WOMEN AND INFANT CHILDREN FARMERS' MARKET NUTRITION PROGRAM," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2528 (S.B. No. 2926, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2528 was adopted and S.B. No. 2926, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2529 (S.B. No. 2420, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2529 be adopted and S.B. No. 2420, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"I continue my opposition to this deposit tax on beverages, which is significant. Now what we're going to do is add hard spirits and wine containers to the ever-growing list of beverages. What we really need is a single recyclable program. It should be a program of the counties; the State should not be involved. The State should not be getting additional revenue from this in competition with the counties. In addition to that, those people that have gone to the recycling organizations find that many of those organizations have not lived up to the spirit of the law and they get far less than what they are returning, but it is a tremendous cost. It is a tax, and the State is benefitting from it. Thank you."

Senator Gabbard rose in support of the measure as follows:

"Colleagues, this bill would make our successful deposit beverage container program even better by including dietary supplements (a.k.a. energy drinks), hard liquor, and wine. Last year, we recycled 79 percent of the 895 million containers sold in the state, but that staggering number doesn't include the millions of containers that aren't currently in the program. For example, in 2009, residents in our state consumed 22 million bottles of wine. Some of these containers are recyclable, but millions of bottles end up in the landfill or as litter. This is a common sense way of getting one step closer to our goal of reusing everything that we can in order to reduce waste and protect our environment. So, I ask that you please join me in supporting this bill. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2529 was adopted and S.B. No. 2420, S.D. 2, 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, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2530 (S.B. No. 2625, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2530 be adopted and S.B. No. 2625, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"I think that the hearing was very compelling and that we certainly need more transparency for the two Chinese offices operated by the Department of Business and Economic Development, but until we have a financial and management audit of DOE and their billions of dollars, I think that this is really a charade, going after these two offices. In addition, I asked the Legislative Auditor during that hearing if there were going to be additional costs for these kinds of audits, and the answer was 'yes' because they have to go to China. They cannot do the audits here; and they may find reluctance from the people in China to provide the information that we need. So, as I say, my main concern is: Let's do priorities in terms of audits. I'm very happy to audit these offices after we audit the DOE. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2530 was adopted and S.B. No. 2625, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE OFFICES," passed Third Reading on the following showing of Ayes and Noes:



Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2531 (S.B. No. 2874, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2531 was adopted and S.B. No. 2874, 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. 2533 (S.B. No. 2709, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2533 was adopted and S.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTALLY SENSITIVE PRODUCTS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 2538 (S.B. No. 2350, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2538 be adopted and S.B. No. 2350, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Hemmings rose in support of the measure as follows:

"I'll keep my remarks brief. I think that the students purported themselves real well in the testimony, so well that I think maybe we could probably turn over more authority to them. They seem to have their acts together, and they bring to the board some institutional knowledge regarding public education; I'm confident they will be a welcome addition to the process. Thank you, Madam President."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2538 was adopted and S.B. No. 2350, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2539 (S.B. No. 2570, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2539 be adopted and S.B. No. 2570, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in support of the measure with reservations as follows:

"If I had my druthers, we would abolish the Board of Education. Changing it from an elected board to an appointed board, again, just rearranges the deck chairs. We need systemic changes, we need major directional changes, and we need change agents, and this bill alone does not do that. Thank you."

Senators Chun Oakland and Baker requested that 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. 2539 was adopted and S.B. No. 2570, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, OF THE HAWAII CONSTITUTION, TO CHANGE THE BOARD OF EDUCATION FROM AN ELECTED BOARD TO AN APPOINTED BOARD," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, Chun Oakland, Slom). Noes, none.

Stand. Com. Rep. No. 2541 (S.B. No. 2873, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2541 be adopted and S.B. No. 2873, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"Why would we exempt teachers from the Code of Ethics? Why would we exempt anyone, public employees, from the Code of Ethics? I thought we were trying to strengthen ethics and integrity, and to provide this exemption just sends the wrong information. And it is not bashing teachers; it is standing up for strong and meaningful ethics. Thank you."

Senator Sakamoto rose in support of the measure as follows:

"This measure is in support of the students. And part of it says, 'for special circumstances beyond the control of the teacher or student, such as the furlough of public school teachers or the lengthy illness of a student,' the teacher would be able to tutor or help current or prospective students."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2541 was adopted and S.B. No. 2873, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2544 (S.B. No. 2356, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2544 be adopted and S.B. No. 2356, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Hemmings rose in opposition to the measure as follows:

"It is rather duplicit from the bill I'm reading. In the findings clauses, it talks about the ill effects of noise that's logarithmic, ten times worse as it goes up; vibrations carried by commercial leaf blowers on the back of operators can cause hearing damage. Additionally, the act of stirring up dust and debris increases risks to asthma and allergy sufferers, and increases the risk of breathing pesticides, animal feces, and viruses; and a landscaper in Long Island died after using a leaf blower of this nature. But then the bill goes on and it exempts government entities from leaf blower restrictions. So, if this is the end of the world as we know it, these leaf blowing problems, possibly it should apply to everybody. Thank you, Madam President."

Senator Gabbard rose in support of the measure as follows:

"Colleagues, this measure would bring health and peace of mind to many people around the state who suffer because of loud, polluting, gas-powered leaf blowers. By banning gas-powered leaf blowers but still allowing electric leaf blowers, we would join many towns and cities in California that have passed ordinances to improve the quality of life in their communities."

"We've listened to the testimony, and we've in turn amended this measure to exempt government agencies to prevent any undue hardships to those who clean up our parks. And it was interesting because in the testimony, we heard from a landscaper from the windward side who I will call a 'landscaper with a conscience' who owns gas-powered blowers, who is in the process of switching over to electric."

"Additionally, we have a July 1, 2011, effective date which will give the industry enough time to transition to quieter electric leaf blowers, which cause less harm to our environment and people's health. So, I urge you to join me in voting in support of this measure. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2544 was adopted and S.B. No. 2356, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEAF BLOWERS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2545 (S.B. No. 2559, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2545 be adopted and S.B. No. 2559, S.D. 2 pass Third Reading, seconded by Senator Takamine.

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

"Madam President, I appreciate the work that our Energy and Environment Committee has done with regard to advancing the cause of getting rid of plastic bags in our community. However, my county—Maui county—has already placed a stricter ordinance on the books that goes into effect beginning January 11, 2011, and they've already started taking the information on implementation and what it's going to mean across our county. Plastic checkout bags will be banned in Maui County beginning January 11, 2011. They're already running ads in the paper to make sure that all our visitors know, that all the residents know, that all the businesses know. It went on the books a year or so ago, and giving people lead time.

"My complaint with the bill that's before us is that it would undo what Maui County has already done; and so I ask the Chair of the Energy and Environment Committee, as well as anyone else working on this measure as the bill goes forward, exempt out those laws at the county level that are stricter because we don't want any plastic bags in Maui County and we have already taken steps to get that. Every year, more than 50 million single-use plastic bags are used in Maui County. As the ordinance says, 'It's time to change our ways,' and that's what I hope we can do with this measure. Not only allow the strict ordinance in Maui County to stand, but help advance the cause in other areas. Thank you, Madam President."

Senator Slom rose in opposition to the measure as follows:

"Let me see. Let me get this straight. The people that are supporting this bill were the same people that wanted to ban paper bags and they were extolling the virtues of plastic bags. Now we have the plastic bags and they want to ban the plastic bags. Madam President, you have a dog, and for people that have dogs, it's very important to have those plastic bags to pick up after the dogs. And there are other things as well. I don't like bans. I like choice for individuals. Those stores that have already gone to recyclable, reusable bags and all, I say, 'That's great,' but to force people not to have this choice, I think, is wrong. Thank you."

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

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

"Madam President, if you would direct the Clerk to enter my remarks in favor of this bill into the Journal. And in response to the good senator from Maui, the date has been defected; so it is a work in progress, and we will take her points into consideration. Thank you."

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

"Madam President, I rise in support of S.B. 2559 S.D. 2.

"Colleagues, we all know too well the problems associated with plastic bags: litter, marine debris, and increased use of fossil fuels.

"This bill would help us to solve these problems by reducing the amount of plastic littering our landscape and oceans, while also reducing the amount of fossil fuels required to produce these bags.

"You might be shocked by these facts put together by the Rise Above Plastic Bag Coalition, which highlight this wasteful problem:

- Plastics are the number one source of marine debris and each year over a million seabirds and hundreds of thousands of marine mammals die from ingestion of and entanglement in plastic bags.
- Americans go through more than 100 billion plastic bags every year, requiring more than 12 million barrels of oil to produce.
- Less than 5% of plastic bags are recycled.
- The average American uses 400 plastic bags a year.

"It's time we start using reusable bags instead of disposable plastic bags.

"It's the right thing to do for our oceans, our marine and bird wildlife, and for all of Hawai'i nei.

"Please join me in voting to pass S.B. 2559 S.D. 1.

"Mahalo."

Senators Kidani, Nishihara, English, and Kim requested that 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. 2545 was adopted and S.B. No. 2559, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, English, Kidani, Kim, Nishihara, Tsutsui). Noes, 1 (Slom).

Stand. Com. Rep. No. 2553 (S.B. No. 2099, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2553 was adopted and S.B. No. 2099, 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, 1 (Slom).

Stand. Com. Rep. No. 2556 (S.B. No. 2383):

Senator Taniguchi moved that Stand. Com. Rep. No. 2556 be adopted and S.B. No. 2383 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"As I pointed out in the Judiciary Committee, the Department of Labor already has the ability, the authority, to talk to employers or to even provide fines for employers who violate the dislocated worker law. This is unnecessary, and I think gives the wrong impression that we don't have those protections now. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2556 was adopted and S.B. No. 2383, entitled: "A BILL FOR AN ACT RELATING TO DISLOCATED

WORKERS,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2557 (S.B. No. 2883, S.D. 1):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2557 was adopted and S.B. No. 2883, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2562 (S.B. No. 950, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2562 be adopted and S.B. No. 950, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senators Ihara and Hooser requested that 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. 2562 was adopted and S.B. No. 950, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ELECTRIC GUNS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Hooser, Ihara). Noes, none.

Stand. Com. Rep. No. 2565 (S.B. No. 2187, S.D. 1):

Senator Taniguchi moved that Stand. Com. Rep. No. 2565 be adopted and S.B. No. 2187, S.D. 1 pass Third Reading, seconded by Senator Takamine.

Senator Nishihara rose in support of the measure as follows:

“I rise in support of this bill, but there have been some concerns about transparency and sunshine. I believe that this bill attempts to ensure the viability of our state’s primary economic engine through data collection and planning. While providing for appropriate oversight, it ensures HTA to effectively carry out its mission to benefit our state’s interests while ensuring the public that their ability to determine the efficacy of HTA’s efforts can be determined. So, I ask for your support in favor of this measure. Thank you, Madam.”

Senator Slom rose in opposition to the measure as follows:

“While I understand there are certain circumstances in which HTA and other agencies need confidentiality, I think over the years we’ve built up too much confidentiality. We talk on one hand about transparency; on the other hand, neither the public nor—in some cases, other agencies—can get information. I think HTA has been able to operate successfully with the law as it currently is, and I think again the public gets very frustrated with us when we do more and more things behind closed doors. Thank you.”

Senator Bunda requested that 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. 2565 was adopted and S.B. No. 2187, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Bunda). Noes, 2 (Ihara, Slom).

Stand. Com. Rep. No. 2566 (S.B. No. 2169, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2566 was adopted and S.B. No. 2169, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SHARK FINNS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 2567 (S.B. No. 2807, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2567 be adopted and S.B. No. 2807, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

“This is a constitutional amendment proposal that effectively would take away the ability for individuals to get tax rebates if and when we return to a surplus position. It gives the Legislature the power to take that money instead and deposit it in the rainy day fund, which then we know will be raided later on. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2567 was adopted and S.B. No. 2807, S.D. 2, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, RELATING TO THE TAX REBATE REQUIREMENT,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2568 (S.B. No. 2593, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2568 was adopted and S.B. No. 2593, S.D. 1, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2570 (S.B. No. 2434, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2570 be adopted and S.B. No. 2434, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Hemmings rose in opposition to the measure as follows:

“Madam President, in speaking against it, I have to check my index cards to see what the salaries are of a certain number of these officials because with their \$2 billion plus budget, they don’t know who’s getting paid what. But they do know that certain principals are making more than superintendents in district offices and others in the bureaucracy. I would suggest in reorganizing the Department of Education the best thing to do is get the district office personnel back to the classroom and to the schools where the children are being taught, rather than figuring out ways to pay them more money for pushing paper around in an office. Sounds rather harsh, doesn’t it? But I would once again remind this body that some of the best educational institutions in Hawai’i, including the Catholic Church, do not have Departments of Education. They do what charter schools do very successfully: They run themselves and hold themselves accountable. So, we don’t need to be raising salaries and jobs that aren’t needed. I would urge my colleagues, if you’re really serious about holding public education accountable for their misgivings, you should not be rewarding it with salary increases for the people that really

should be in the classroom with the kids. Thank you, Madam President.”

Senator Galuteria rose in support of the measure as follows:

“Madam President, I rise in support of the measure, but I do understand and appreciate the previous speaker’s concerns. However, this seems to be a part of the process of reformation given that right now it is difficult to attract qualified, experienced applicants with a \$150,000 salary cap. By increasing the salary, the Hawai‘i School Board will have more latitude to do a nationwide search for a new and willing, shall we say, ‘change agent’ perhaps. This can only happen through finding the best and most extraordinary educational leadership for our kids. We need the best educational leaders for Hawai‘i’s keiki, now more than ever. I encourage my colleagues to pass the bill. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2570 was adopted and S.B. No. 2434, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SALARIES,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2571 (S.B. No. 2960):

Senator Kim moved that Stand. Com. Rep. No. 2571 be adopted and S.B. No. 2960 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“Just calling a bill ‘reform’ or ‘change’ does not make it so. What this bill does is to restructure the DOE into two divisions and adding two senior deputy superintendent positions plus staff and everything else. So, it’s going to add more staff, more bureaucracy, more people not in the classroom providing instruction; and at the end of the day, we will not see any improvement. Thank you.”

Senator Hemmings rose in opposition to the measure as follows:

“This is a classic doublespeak bill. ‘Restructuring it.’ This is turning the DOE into the blob that ate New York City by replicating itself; and dividing the DOE into two divisions is a huge step in the wrong direction. To call it ‘restructuring’ in positive terms is quite misleading. It’s almost like passing a bill and calling it ‘reinventing education’. I urge my colleagues to vote ‘no’.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2571 was adopted and S.B. No. 2960, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2574 (S.B. No. 2595, S.D. 1):

Senator Kim moved that Stand. Com. Rep. No. 2574 be adopted and S.B. No. 2595, S.D. 1 pass Third Reading, seconded by Senator Tsutsui.

Senator Kidani rose in opposition to the measure as follows:

“Passing Senate Bill 2595 is a disincentive for the military to relocate and stay here. The gross income provision in this bill dramatically changes how the state would treat housing eligibility for military personnel living in Hawai‘i.

“The Basic Allowance for Housing is not a part of their monthly income. Rather, it is an allowance paid by the government as their responsibility to cover the cost of housing active duty military.

“Colleagues, I ask that you bestow the same aloha on our military families as you do other families in Hawai‘i. Mahalo.”

Senator Sakamoto rose in support of the measure as follows:

“This and several related measures address the issue of when we give a housing tax credit, GET exemption, to the landlord who is benefitting by not paying the 4 percent tax to the State. In the statute that we’ve passed, we’ve set certain requirements about who’s to get these exemptions, what levels of income; and when it’s a housing exemption being granted, this particular measure addresses the question: ‘Shouldn’t we use a method that the US Housing and Urban Development—HUD—uses in federal guidelines?’ And in this case, at least it’s my understanding that HHFDC doesn’t require the landlords to include the housing allowance in income-based calculations when we are determining whether a landlord qualifies for the housing exemption. And for the members and public’s information, this is not a small amount. It ranges from \$1,555 a month to \$3,401 a month.

“And this measure doesn’t in any way take away from any of our men and women in uniform. This does address, though, the landlords who ought to be paying the 4 percent tax and it does address how to calculate an income. This measure says we should include the housing allowance, as HUD does in its federal housing program, in particular when we provide an exemption of 4 percent tax for the housing. And the difference in income for someone who has the level of 80 percent Hawai‘i’s area median income is \$67,000 for our regular resident—but for someone who has a housing allowance, if you add \$1,555 a month, that income level rises to \$86,000 plus. If you add a housing allowance of \$3,400, that’s \$108,000 plus; and that raises the question, ‘Should we ignore the difference between \$108,000 and \$67,000?’ It doesn’t make sense. It doesn’t make sense. We didn’t pass that statute in the Legislature. There are requirements we passed by law, here, that are in the statute. HHFDC has taken it on their own to somehow expand the income requirement to even 140 percent, not 80 percent. They’ve ignored the HUD guidelines. They’ve ignored some other things.

“And this isn’t only about military housing allowances; it refers to McCully, ‘Aiea, as well. So the landlords are unjustly benefitting, perhaps, and our local residents are not benefitting where they should, and we as state government are not collecting taxes that are owed by the landlords. So, I ask my colleagues to support the measure and other related measures like it.. Thank you very much.”

Senator Hemmings rose in opposition to the measure as follows:

“Regarding the previous speaker, it came upon me that there’s one fundamental principle that maybe a lot of people that make laws don’t understand. Businesses do not pay taxes with money that they manufacture themselves in some printing press. Landlords, big business, small business, pass the tax on, especially excise tax, onto consumers. And there’s been a lot said about the excise tax down through the years, but it’s known to everyone that it is one of the most regressive taxes you could have. Also, if you took away the 4 percent excise tax and replaced it with an over-the-counter retail sales tax, you’d have to collect over 12 percent to have the state collect the same amount of money. So what you can say, regarding taxes passed on to consumers is it drives up the cost of just about everything—right off the top, 12 percent—and then secondly, it is extremely regressive because the excise tax impacts the poor people the most. So, I suggest that we reexamine our motives here and do what’s best and fair for everyone by voting ‘no’ against this bill.”

Senator Sakamoto rose in rebuttal and said:



"Just for clarification and rebuttal to the previous speaker: I fully understand, as a businessperson, how taxes work. This measure deals with: Does the landlord pay the tax on the rent for appropriate units? If the basic housing allowance is \$1,555—that's a single person now, mind you. So, you take two military people living in 'Aiea—\$3,000 on top of salary. Many times there are three or four. They're living in my community; I'm not sure about yours. So, they're getting their money. This isn't in any way taking away from the tenant, in this case a military person, but this issue calls into question: Is the landlord paying the taxes? And we are asking, 'Shall we give an exemption to the landlord who is housing someone with an income of \$136,000 including their housing allowance, or \$159,000, or \$86,000, or \$108,000?' The landlord should pay taxes when he's renting to people with those types of income because the goal of the statute was to provide housing for people whose income is below \$67,000, below \$50,000, but not those high incomes. So the point is: If it's military, they're getting their housing allowance; and if it's residents competing with them, we want landlords to give our local residents a fair competition. Landlords need to pay their taxes that are owed."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2574 was adopted and S.B. No. 2595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (English, Gabbard, Hemmings, Kidani, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2576 (S.B. No. 2357, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2576 was adopted and S.B. No. 2357, 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, 24. Noes, none. Excused, 1 (Bunda).

Stand. Com. Rep. No. 2577 (S.B. No. 2488, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 2577 be adopted and S.B. No. 2488, S.D. 2 pass Third Reading, seconded by Senator Ige.

Senator Gabbard requested that comments in support of the measure be entered into the Journal.

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

"Madam President, I rise in support of SB 2488 SD2.

"Colleagues, there is a saying that we should not put all our eggs in one basket.

"I believe that we should not rely solely on a few enormous power plants to supply the electricity that is so vital to our lifestyle.

"What happens if a power plant goes down?

"That is why I am a staunch advocate for distributed generation of electrical power.

"This pertains to the photovoltaic systems that homeowners and business owners place on their rooftops to supply their electrical needs and provide any surplus into the grid.

"This bill would guarantee that the existing customer-generators in the very successful net energy metering system have the option to continue even if alternatives, such as feed-in tariffs, are implemented.

"Net energy metering means that a customer generator can offset the amount of electricity that he uses from the grid by the amount of electricity that he supplies to the grid.

"This bill would also take the ceiling for net energy metering from half of one percent of peak demand of the entire system and raise it to 15 percent per circuit, as Hawaiian Electric had agreed to in the Hawaii Clean Energy Initiative.

"And this bill would allow customer generators to be paid for their surplus credits after 36 months.

"This bill will help make our state more energy self-sufficient, and I ask you to join me in passing this bill.

"Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2577 was adopted and S.B. No. 2488, 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, 23. Noes, 1 (Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2578 (S.B. No. 2548, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2578 be adopted and S.B. No. 2548, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"The bill creates yet another new special fund, and is going to create additional personnel costs. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2578 was adopted and S.B. No. 2548, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2583 (S.B. No. 2942, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2583 be adopted and S.B. No. 2942, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Ihara, Baker, Fukunaga, and Chun Oakland requested that 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. 2583 was adopted and S.B. No. 2942, 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, 21; Ayes with Reservations (Baker, Chun Oakland, Fukunaga, Ihara). Noes, 3 (Hemmings, Ige, Slom). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2584 (S.B. No. 2470, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2584 was adopted and S.B. No. 2470, S.D. 2, entitled: "A BILL FOR AN ACT RELATION TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2586 (S.B. No. 2469, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2586 was adopted and S.B. No. 2469, 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, 22. Noes, 2 (Hemmings, Sлом). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2587 (S.B. No. 2575, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2587 be adopted and S.B. No. 2575, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Espero requested that 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. 2587 was adopted and S.B. No. 2575, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Espero). Noes, 1 (Sлом). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2589 (S.B. No. 2849, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2589 was adopted and S.B. No. 2849, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND,” passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2590 (S.B. No. 2576, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2590 be adopted and S.B. No. 2576, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sлом rose in opposition to the measure as follows:

“School impact fees are another way of creating a tax, but it’s insidious because we wonder why the price of housing goes up and more and more people cannot afford housing, even if we talk about affordable housing. These school impact fees to provide services that used to be provided by government eventually are passed on to the consumer, and they will pay higher housing costs. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2590 was adopted and S.B. No. 2576, 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, Sлом). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2591 (S.B. No. 2030, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2591 was adopted and S.B. No. 2030, S.D. 2, 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, Sлом). Excused, 1 (Bunda).

Stand. Com. Rep. No. 2592 (S.B. No. 2405, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2592 be adopted and S.B. No. 2405, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sлом rose in opposition to the measure as follows:

“I’ll rise before my colleague rises. We do this every year; we do the dance of the streamlined tax. It is a new tax, even though the proponents like to call it the ‘Streamlined Sales and Use Tax Recovery’ legislation, and they speak in terms of

recovering taxes that are due to the state but escape the state. What it really means is that again it is a backdoor tax on consumers, particularly on those that use the internet and make sales from out of state. It is a bad tax, it is an expensive tax, and it’s going to affect a large segment of our population. Thank you.”

Senator Fukunaga rose in support of the measure as follows:

“You would think one of these years we would finally pass it so we could end this charade. However, Madam President, I rise to speak in rebuttal to the prior speaker. I am rising to speak in support of this measure, and I would simply note that Hawaii’s use tax law, which is section 238-2, Hawai’i Revised Statutes, has been on the books for over 40 years and is similar to use tax laws in more than 45 other states. If we are going to be looking for ways to plug the budget deficit, it makes sense for us to collect those taxes that are on the books and that are due and owing. Thank you. I urge my colleagues to vote in support of this measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2592 was adopted and S.B. No. 2405, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Sлом). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2595 (S.B. No. 2336, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2595 be adopted and S.B. No. 2336, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Kidani, Ihara, Fukunaga, and Chun Oakland requested that 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. 2595 was adopted and S.B. No. 2336, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Chun Oakland, Fukunaga, Ihara, Kidani). Noes, 1 (Ige). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2597 (S.B. No. 2372, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2597 be adopted and S.B. No. 2372, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Sлом rose in opposition to the measure as follows:

“You know, we use and rely on the Legislative Auditor for many things, and one of our legislative initiatives was that before we started a new program or a new department or anything else, we would have the Auditor do a sunrise audit to find out if it was necessary, first of all, any unintended consequences, and the actual cost of the program. By taking this away, we do ourselves a great disservice, and that’s one of the reasons we’re in the financial problem that we are today, because we’ve initiated so many new programs and new areas of expenditures even when the Legislative Auditor had advised against that. But to take this out altogether and not have that information preliminarily to starting a program, I think, is an unwise financial decision. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2597 was adopted and S.B. No. 2372, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SUNRISE REVIEWS,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Sлом). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2599 (S.B. No. 2797, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2599 be adopted and S.B. No. 2797, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Kokubun rose in opposition to the measure as follows:

“The Legislature has been trying to deal with health insurance coverage for our state employees and retirees for a number of years now. And I think the policy when we established EUTF was a very positive action because it brought everybody under one umbrella; and the idea was that through the sheer numbers of employees and retirees, we would be able to negotiate the best possible premium rates and the best possible coverage for our workers. There was a decision made subsequently that we would allow HSTA to re-establish a pilot program for a VEBA Trust again, even though we had found previously that these individual union health plans, in fact, were detrimental to the wellbeing of the State, particularly to our retirees.

“When we did that, we asked the Auditor, who we rely on for many things, including her consistent and sound findings, to monitor and report on HSTA VEBA Trust. Well, in 2008, through Act 5, we asked the Auditor to determine the effects of the HSTA VEBA Trust pilot program on EUTF, and there were her findings in a report filed with us on December 2, 2009. Essentially, what she said was she couldn’t really provide a complete and comprehensive report because the information from HSTA that was essential to her report was not forthcoming. That was one thing. Secondly, based on whatever she could put together, given the information at hand, this is what she stated in her letter: ‘We found that the VEBA Trust pilot program: (1) promotes adverse selection and increases premium costs for EUTF enrollees; (2) duplicates administrative costs borne by the state employer, and; (3) cannot ensure transparency and accountability in providing health benefits for teachers and teacher retirees. Overall, the HSTA VEBA trust breaks up the EUTF health plan and negatively impacts the EUTF.’ Later in that report, she says that the HSTA VEBA Trust administrative fees are paid by the State as the employer based on the same administrative rate structure implemented by the EUTF. Since March 1, 2006, the Department of Budget and Finance has paid the HSTA VEBA Trust a total of \$2.4 million in administrative fees billed to the State.

“These findings are compelling, in my opinion. In light of administrative costs totaling over \$2.4 million paid to the HSTA VEBA Trust instead of the EUTF, it is asserted that the HSTA has not proven that implementation of its VEBA would result in actual savings to the State. Accordingly, the Legislative Auditor recommends that the VEBA Trust pilot program established by Act 245 in 2005, as amended, be allowed to sunset on July 1, 2010.

“I ask my colleagues to vote in opposition to this bill. Thank you.”

Senator Sakamoto rose in support of the measure as follows:

“Why would anyone want to take koi in a clear pond and throw it in a muddy hole? If the EUTF was a nice, clear pond with bright swimming koi in it, perhaps these koi can intermingle, and perhaps it’s a better deal. But there are several points in question. In the newspaper, we talked about HMSA and Kaiser being the two big medical providers. If we’re going to provide more competition, one of the points of the VEBA

proponents said, ‘They can get more competition because you’re not creating a bigger elephant; you’re creating opportunity for them to have competition among providers.’ They claim that they have given money back to the State. Maybe they didn’t take into account the fees; maybe they did, but it’s my understanding they feel they gave money back to the State. This VEBA plan reclaims HSTA’s retirees to minimize or prevent the adverse effect—the reason why EUTF was created. EUTF provided retirees with plans for their high medical costs that were not in the individual union plans. So the VEBA plan does address many of the points that were problematic back then. But certainly the biggest issue right now is when EUTF is in such turmoil, this is certainly not the time—not the time—to say, ‘Just dump them back into a problematic muddle.’ Thank you.”

Senator Sлом rose in opposition to the measure as follows:

“Madam President, I don’t know about koi and throwing them in muddy waters—as long as we don’t throw them in our moat here—but when the good Senator talked about elephants, now you’re talking. I know about elephants; I mean, that’s us, you know.

“Look, the whole EUTF started from the Legislative Auditor’s report which said that we were going to be bankrupt in the State if we didn’t consolidate all of the public employees. That theme was picked up by then Governor Cayetano. The Legislature then picked up the idea of making the EUTF and bringing this about to give us fiscal sanity. It is true that EUTF is having difficulties right now, some of which are short-lived because of the nature of personnel and changes and all of that. Other things must be taken care of, but you don’t, you know, solve those problems by creating more of a subsidiary in terms of a VEBA for other unions and to extend it. It’s not only to extend to HSTA, but the other unions want their own VEBA as well. Can they negotiate better rates? Yes, they can, and they have because of adverse selection.

“I can remember back in the early days when we were trying to find out information from various unions about savings that they had incurred, and all of a sudden the money was not available, did not come back to the State as it was supposed to. The good Senator from the Big Island just quoted from the latest auditor’s report on VEBA, and basically he’s reiterating again: It’s very difficult to get the financial information. Anything that has to do with the DOE seems to be extremely difficult, if not impossible, to get. And we should ask why, and we should refuse to allow any more expenditures or outlays that have to do with education. Not bashing teachers, you understand, but financially. And so, it is the prudent thing to do to say, ‘Okay, we gave them a try. The Auditor said they didn’t live up to what they said they were going to do. That’s on the basis of information she could get, and we couldn’t get the other information.’ So why would we extend and broaden it?

“I think that we should, as a Legislature, if we want these kinds of improvements and we want sound fiscal policies, then we’ve got to act on them; and you can start by voting ‘no’ on this bill. Thank you.”

Senator Kokubun rose in rebuttal and said:

“I stand in brief rebuttal to the previous statements made by the good Senator from Moanalua. The issues now with EUTF—particularly with the fact that the Governor has failed to name all the board members—is not something, in my opinion, that gets fixed by continuing the VEBA Trust for HSTA. I think we need to request that the Governor fill those positions so that EUTF can again become the functioning agency that it was intended to be, and that’s the way we’re going to get better health coverage as well as better premium rates for all of our employees and our retirees. This VEBA

Trust, in my opinion, has run its course. The findings from the Auditor have indicated that, in fact, it's cost us money; and so in that regard I think we need to move on. They have been given the opportunity. We need to terminate that. And with all due respect to all teachers and their families who are members of the VEBA Trust, this doesn't mean that they do not get health coverage. It just means that we're all in the same canoe together, looking for that koi. Thank you, Madam President."

Senator Hooser rose in support of the measure as follows:

"I just want to clarify that the bill before us does not broaden anything. It just extends it for two years, as best as I can tell. It extends it just for two years, and I support the Education Chair's position and remarks that now is certainly not the time to muddy the waters and to dump all of these teachers into a program, into EUTF, until things are sorted out. And I continue to wonder about the bashing of the teachers that the Minority Leader continues to present on the floor. Thank you."

Senator Hemmings rose in opposition to the measure as follows:

"I rise to speak against the legislation, and in doing so, I'd like to rebut the previous remark and set the record straight as I've been trying to do for ten years now. We're not bashing teachers. We're bashing a bankrupt, financially immoral system that spends \$2.4 billion of everyone's money."

Senator Baker rose on a point of order and stated:

"The subject of this bill is not the DOE or their budget or how they expend it. The folks that would be affected by this bill are teachers who happen to be employed by the DOE, but it's not giving money or anything to the DOE. So, I wish the speaker would speak to the bill if he has concerns about it and not extraneous matters. Thank you."

The Chair responded:

"Point well taken. Senator Hemmings?"

Senator Hemmings continued:

"Thank you, Madam President. Thank you, good Senator from Maui. I will speak to the fact that the DOE and the public education system employs HSTA union members, whom this bill concerns. And the previous speaker seemed to be able to employ a comment about bashing teachers that I thought would be relevant to respond to in an open and free democracy that we're supposed to be. I'm sorry I don't sit in your caucus when you close your doors and decide you're going to come out here and pretty much rubberstamp everything you do. Madam President, I'm sorry that we have a two-party system, as weak as it is. I'm sorry you don't have a total monopoly."

The Chair interjected:

"Senator Hemmings, you don't have to apologize. Please state your point and proceed."

Senator Hemmings continued:

"Thank you, Madam President; I appreciate it. My point is that this has nothing to do with bashing the teachers. My point is this is trying to make a retirement system more solvent and beneficial for public employees and to save everyone money in these austere times. And I would say once again, with all due respect to the censor from Maui, that I am not bashing teachers. I support them and like to see money go to the classroom and their benefits remain efficient that benefits them and not \$2.4 billion going to union lunas rather than going into the benefits for all employees. Thank you very much for the opportunity, Madam President."

Senator Kim requested that her vote be cast "aye, with reservations" and the Chair so ordered.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2599 was adopted and S.B. No. 2797, S.D. 2, 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, 20; Ayes with Reservations (Kim). Noes, 3 (Hemmings, Kokubun, Slom). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2600 (S.B. No. 2592, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2600 be adopted and S.B. No. 2592, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Kidani rose in opposition to the measure as follows:

"This measure adds a 'qualified resident' requirement and is unfair to our military families. This is not sending a message of aloha to our military. It is incomprehensible that a US military family, sent to Hawai'i on government orders that includes for some deployment to combat, would be denied eligibility when a resident alien family with the same income would be able to qualify. Colleagues, I ask that you bestow the same aloha on our military families as you do other families in Hawai'i. Is their service to our country not worth a GET waiver? Please do not pass this bill. Thank you."

Senator Sakamoto rose in support of the measure as follows:

"I'd like to insert comments in the Journal. And just to clarify: The landlords, not just on military bases—the landlords in 'Aiea, McCully, Kailua—they are the ones who need to pay the tax for housing those who are not qualified. On the issue of defining a qualified resident: It's already in the statute, and that provision is not being enforced or it's being ignored. If this measure, when it goes the House, should pass this body, if we as the Legislature want to make a policy statement regarding active duty military, that's one point, but we shouldn't expand affordable housing qualifications to include somebody from Canada who's coming to stay on a pension, qualifying for affordable housing, somebody from California, etc. We need to enforce the laws we have and not allow, by rule, landlords to avoid paying what's due. Thank you."

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

"Madam President, I rise in support of SB2592 and several other measures related to it.

"In our Hawaii Revised Statutes, §201H-Part II establishes a Housing Development Program administered by the Hawaii Housing Finance and Development Corporation and §201H-36 authorizes HHFDC to approve GET exemptions to qualifying landlords who meet requirements of providing a percentage of units to affordable housing. The purpose of this statute is to keep housing costs down and to provide for more affordable housing units in Hawaii. However, what is said in our statutes is not reflected in some of the administrative rules established by HHFDC. Questions are raised about landlord requirements for tax exemption eligibility and the rules set by HHFDC regarding the approval of landlords' GET exemptions.

"Some of the problems arising are that 1) landlords are preferring to rent to those with housing allowances when no proof of their residency is enforced and 2) a lack of assessments confirming that landlords are continuing to meet the exemption requirements are causing a potential loss in revenues for the State. These measures help to clarify our statutes to provide Hawaii residents with an equal opportunity in qualifying for



affordable housing and to ensure that landlords are appropriately receiving the GET exemption benefits.

“Our interest is not to single out tenants, rather we would like to address which **landlords** should be receiving the benefit of the GET exemption based on the intent of the statute. We would like to provide incentives to our landlords so that more affordable housing units are made available in Hawaii, while simultaneously, creating a level playing field for Hawaii residents in the competitive housing market.

“I would like to submit into the Senate Journal a document that outlines these specific issues and the approach we would like to take to address them. I urge my colleagues to vote in favor of SB2592 and other related measures.”

Senator Sakamoto’s additional documents are identified as “**ATTACHMENT A**” to the Journal of this day.

Senator Ihara requested that 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. 2600 was adopted and S.B. No. 2592, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17; Ayes with Reservations (Ihara). Noes, 5 (English, Gabbard, Hemmings, Kidani, Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2601 (S.B. No. 2543, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2601 was adopted and S.B. No. 2543, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TECHNOLOGY,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2602 (S.B. No. 2349, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2602 be adopted and S.B. No. 2349, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Tokuda, Kim, Tsutsui, Hooser, Ige, English, Baker, and Fukunaga requested that 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. 2602 was adopted and S.B. No. 2349, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EXTRACURRICULAR ACTIVITIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Baker, English, Fukunaga, Hooser, Ige, Kim, Tokuda, Tsutsui). Noes, none. Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2607 (S.B. No. 2291, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2607 was adopted and S.B. No. 2291, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2608 (S.B. No. 2441, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2608 was adopted and S.B. No. 2441, S.D. 2, entitled: “A BILL FOR AN ACT

RELATING TO ENDANGERED SPECIES,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Hemmings). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2610 (S.B. No. 2745, S.D. 2):

On motion by Senator Taniguchi, seconded by Senator Takamine and carried, Stand. Com. Rep. No. 2610 was adopted and S.B. No. 2745, 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, 21. Noes, 1 (Gabbard). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2616 (S.B. No. 2626, S.D. 1):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2616 was adopted and S.B. No. 2626, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SERVICE,” passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2621 (S.B. No. 2818, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2621 be adopted and S.B. No. 2818, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

“The bill does create a special fund and does, I think, create more bureaucracy rather than making it easier to determine who’s in control in the environmental area.”

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

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

“Madam President, I rise in support of S.B. 2818 S.D. 2.

“Colleagues, two years ago, the Legislature appropriated funds to the University of Hawaii to study our environmental review system and develop recommendations to reform the system.

“This bill is the result of their work.

“But we’re not done.

“Last month, I convened a working group of 12 involved stakeholders with a considerable amount of experience and expertise to propose further amendments to improve the bill.

“This working group has met four times so far and has made considerable progress. And, just yesterday, they got input from various state and county agencies.

“Because of the complexity of this issue, I have extended the working group to the end of March

“I then plan to incorporate the working group’s recommendations into a proposed conference draft.

“As the Hawaii Supreme Court has reminded us, the stakes are high.

“We cannot afford to fail.

“Therefore, I ask for your help in moving this bill forward.

“Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2621 was adopted and S.B. No. 2818, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2622 (S.B. No. 2806, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2622 was adopted and S.B. No. 2806, 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, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2623 (S.B. No. 2290, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2623 was adopted and S.B. No. 2290, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Hemmings, Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2624 (S.B. No. 2144, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2624 was adopted and S.B. No. 2144, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 1 (Slom). Excused, 3 (Bunda, Hee, Nishihara).

Stand. Com. Rep. No. 2625 (S.B. No. 2068, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2625 be adopted and S.B. No. 2068, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senators Baker, Ihara, Espero, Kidani, Chun Oakland, Fukunaga, Green, Tokuda, and Taniguchi requested that their votes be cast "aye, with reservations" and the Chair so ordered.

Senator Sakamoto rose to request that comments in support of the measure be entered into the Journal.

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

"The Junior Kindergarten program is not working as we had envisioned. The program has not been effectively implemented at the school level, with junior-K students often mixed in with regular kindergarten classes. As one of the originators of Jr-K, I realize, sadly, it is not helping our young learners.

"The Jr-K program allows students the blessing of an additional year of preparation, if their teacher assesses that they need more time to develop in order to be fully ready to enter the first grade. But, some students at the junior-k level, who are not properly assessed or are assessed as 'not ready', are being promoted to the first grade. As a result, our young learners who participate in the program are struggling in school. One reason many of these students struggle, is because they are much younger than their peers. In fact, some are a full year younger upon entering school.

"The proposed bill changes the entry date into school to August 1<sup>st</sup> because our system continues to allow too many youngsters to run after the school bus as their more ready classmates zoom off seated in the bus.

"Hawaii has the youngest school entry age in the country. Many Hawaii private schools have age cut-off dates in June, July, or August. Under Hawaii's current law, a child entering public school needs to be five years old by December 31<sup>st</sup>. This forces our late-born children to run after the school bus. It sets a precedence for them to be continuously behind their peers because they are younger and less able to do what schools demand.

"Malcolm Gladwell, in his book *Outliers*, points out that those born in January, February, and March make up the majority of membership in professional sports teams, all star teams and in other competitive categories. Why?

"They were stronger and better coordinated upon entering a sport; they were chosen to be the leaders, starters, and received extra opportunities to excel.

"If a youngster is assessed and ready to enter school, that is something to celebrate. But, if a youngster is not ready, it is tragic to say, 'They will catch up, don't worry.'

"For those that claim studies show all is 'caught up by third grade,' I say that it is not because the youngsters are caught up, but because we made the bus stop and wait for those who were running, walking, and crawling behind or along the side of the road.

"For those who say we need more time to prepare the 3 or 4-year-old and they are not poised for school, we can look at ways to change the implementing year.

"There will be opportunities for changes as this bill moves forward. We look forward to continued dialogue. We welcome your comments and suggestions to help our children succeed.

"Let us start our children off at the right level and with a seat on the bus."

Senator Kim rose to request that comments in support of the measure be entered into the Journal.

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

"I rise in support of this measure.

"Hawai'i is the only state that allows children to attend school at age 4. While many are advocating a standardize curriculum we haven't standardized the age a child enters school.

"This is part of the systemic change that everyone says is needed.

"As our students are compared against the rest of the nation we consistently rank low.

"On a personal note: While my son was age 5 when he entered Kindergarten and all assessments showed that he was ready, he struggled throughout his elementary grades. Don't get me wrong, he finished high school with an excellent GPA and maintained A minus and above grades, but I know that he would have done better had he had started school a year later.

"In sports, speech and debate, and band competitions, he kept encountering his peers in private schools that while they were the same age as him they were one grade below him and just as advance.

"The real testament came when my son himself asked me, 'Mom why didn't you wait another year before starting school?'

"I urge my colleagues to support this measure that could make remarkable differences in not just our test scores but in our children's readiness to learn."

Senator Tsutsui rose to request that comments in support of the measure be entered into the Journal and the Chair so ordered.<sup>1</sup>

Senator Hooser requested that comments in support of the measure be entered into the Journal and the Chair so ordered.<sup>2</sup>

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2625 was adopted and S.B. No. 2068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19; Ayes with Reservations (Baker, Chun Oakland, Espero, Fukunaga, Green, Ihara, Kidani, Taniguchi, Tokuda). Noes, 4 (Hee, Hemmings, Ige, Slom). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2626 (S.B. No. 2052, S.D. 2):

Senator Kim moved that Stand. Com. Rep. No. 2626 be adopted and S.B. No. 2052, S.D. 2 pass Third Reading, seconded by Senator Tsutsui.

Senator Slom rose in opposition to the measure as follows:

"You know, all of us have had a lot of information from our constituents. A lot of people want to ban fireworks or they want to severely limit them. We in the Minority want to enforce the laws that we have. What this bill does is, basically, add another tax to fireworks. So, we're not going to help the public or solve the problems that we have by having yet another tax and causing greater consumer expenses. Thank you."

Senator Espero rose in support of the measure as follows:

"Briefly, this measure is our attempt to deal with all of the concerns that have come up regarding the illegal use of fireworks. This bill does raise the permit for wholesalers; however, it also provides funding for law enforcement, which is a key part of the measure. Thank you."

Senator Hemmings rose in opposition to the measure as follows:

"Madam President, I heard the people of Hawai'i and especially O'ahu and my constituents loud and clear: They want a ban on fireworks. Increasing fees is not going to increase enforcement. There seem to be enforcement problems, the police often saying that unless they see someone in the act of blowing up an illegal firecracker or an aerial, they can't do anything. So, this bill will do little or nothing other than adding to the cost. And I think you remember this last New Year's where it was unprecedented for the aerial bombs that were sending out shockwaves, they were so powerful; and I know of several instances where people were seriously injured by fireworks. Their impact on Kona wind days, when the wind is not blowing, is devastating for those with any type of respiratory problems; and I could go on and on and on with a list of complaints that people sent us here to address concerning fireworks. And I believe the real solution is to ban fireworks, and it's easy to enforce, and would make the difference the island of O'ahu is definitely calling out for. Therefore, voting in favor of this bill just extends a bad and explosive situation. Thank you, Madam President."

Senator Green rose in support of the measure as follows:

"I think this is a tough one. I think the Chair has struck a good balance. For one, times have been very tough, and I think

that we should recognize just the reality that people have fewer things to enjoy right now and this is something that's been very culturally valued and, at least from the Big Island perspective, has been very important to celebrations. And I just don't want to neglect that; I think that there is something to be said for that. On the other hand, we had pretty compelling testimony from people about pulmonary conditions, which is of some significance concern. I know it is to you, Madam President, as well. And so, I do hope that if we pass this bill that we will direct some of those resources to people with pulmonary conditions and some public safety matters; put this in the emergency departments, what have you. Thank you, Madam President."

Senator Hee rose in support of the measure with reservations as follows:

"This is a step, I suppose, in the right direction, but it really is a cosmetic effort. Albeit, it may be well-intended to some of my colleagues on the floor, but frankly, it does not address the core problem, and that simply is that the time for fireworks—other than at commercial establishments like Ala Moana Center or Aloha Tower—has long passed. I don't think there's a single soul gathered on this blue carpet that would question or rebut the comment that come—if not July 4<sup>th</sup>, next year at New Year's—the same problem, the complaints, the illegal aerials, and I don't think it's a coincidence that on New Year's Eve there's no wind. And we're going to get the same complaints because unfortunately, this body has been unable to come to grips with the reality, and this problem will only compound itself. And frankly, although I believe that this should be a statewide issue, I would yield to the other island representatives and members of the Senate to deal with it as they believe to be in their best interest. But there's no doubt in my mind that when there comes fireworks on New Year's Eve and even before, beginning with the close of Halloween, that far more people are inconvenienced by a health hazard. And at some point this will become an election issue if it hasn't already, but ignoring the health problem is not solving it. So, while I will support with strong reservations, it is a small step in the right direction, but it is not nearly what is required to the respond to the public outcry when it comes to fireworks. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2626 was adopted and S.B. No. 2052, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (Hee). Noes, 2 (Hemmings, Slom). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2627 (S.B. No. 2143, S.D. 2):

On motion by Senator Kim, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 2627 was adopted and S.B. No. 2143, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS," passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 2628 (S.B. No. 2369, S.D. 2):

Senator Taniguchi moved that Stand. Com. Rep. No. 2628 be adopted and S.B. No. 2369, S.D. 2 pass Third Reading, seconded by Senator Takamine.

Senator Slom rose in opposition to the measure as follows:

"This is an omnibus bill on domestic violence, and I think it's gone through two drafts. There was a lot of discussion. I think again the Judiciary Chairman bent over backwards to try to include many of the suggestions that came from the Attorney

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

<sup>2</sup> Request withdrawn at later date

General and from the Prosecutor's. There are a lot of good things in the bill, but there are also a lot of things that trouble me enough for opposition, and mainly because they put additional burdens and costs on employers and they leave some areas that were not addressed in terms of some of the amendments that were suggested. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 2628 was adopted and S.B. No. 2369, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Bunda, Nishihara).

Stand. Com. Rep. No. 2630 (S.B. No. 2545, S.D. 2):

On motion by Senator Baker, seconded by Senator Ige and carried, Stand. Com. Rep. No. 2630 was adopted and S.B. No. 2545, 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, 22. Noes, 1 (Slom). Excused, 2 (Bunda, Nishihara).

S.B. No. 2083, S.D. 1:

On motion by Senator Sakamoto, seconded by Senator Chun Oakland and carried, S.B. No. 2083, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 2 (Hemmings, Slom). Excused, 2 (Bunda, Nishihara).

At this time, the Chair made the following announcement:

"Referrals and re-referrals are made in accordance with the referrals and re-referrals listed on the Supplemental Order of the Day that may be distributed to your offices later today."

Senator Gabbard rose to request that comments in support of S.B. No. 2488, S.D. 2 be entered into the Journal, and the Chair so ordered.

#### ADJOURNMENT

At 2:36 p.m., on motion by Senator Sakamoto, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Wednesday, March 3, 2010.



**ATTACHMENT A****Education & Housing  
Committee (EDH)**

**EDUCATION**  
**First Decking**  
**February 26, 2010**

		<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><b>Senator Norman Sakamoto</b> Chair, Senate Education &amp; Housing Committee Phone: 586-8585 Fax: 586-8588 <a href="mailto:sensakamoto@capitol.hawaii.gov">sensakamoto@capitol.hawaii.gov</a></p>	
		<p><b>Administration</b></p> <p>SB2115 SD1 DOE, Presuit of Invoices SB2116 SD2 DOE, Indemnification of County SB2120 SD1 DOE, Principal/VP Certification SB2256 SD1 Parking Fees SB2257 SD2 DOE, Electronic Documentation SB2432 Hawaii Institute for Educational Partnerships SB2434 SD1 BOE Salaries; Under Board Authority SB2786 SD2 DOE Searchable Database Website SB2960 DOE, Restructuring Divisions</p>	
<p><b>Facilities</b></p> <p>SB2117 SD1 DOE, Minor School R&amp;M work SB2172 SD2 Kaimuki Christian, SPRB SB2576 SD2 School Impact Fees; Housing Devel. Exemptions SB2589 SD2 Charter Schools; Vacant School Facilities SB2769 SD1 Health; School Cleaning Requirements SB2828 SD2 School Impact Fees – LURF SB2874 SD1 School Level R&amp;M; Tax check off box</p>		<p><b>Students</b></p> <p>SB2068 SD2 Education; Pre-Kindergarten; ELC Report SB2063 SD1 After School Programs; Keiki Caucus SB2336 SD2 JK and Kindergarten Programs SB2349 SD2 Homeschool Extracurricular SB2350 SD1 BOE Student Voting Member SB2451 SD2 WSF; Remote Schools SB2452 SD2 Transportation; School Children SB2790 SD1 School Response Protocol</p>	<p><b>BOE Accountability</b></p> <p>SB2570 SD1 BOE ConAm - All Appointed SB2571 SD2 BOE Appointed Nomination Board</p> <p><b>Accountability</b></p> <p>SB2122 SD1 DOE, Longitudinal Student and Workforce Data SB2431 SD2 Education Accountability</p>
		<p><b>Charters</b></p> <p>SB2589 SD2 Charter Schools use of vacant properties (SB2585 &amp; SB2586 included) SB2889 Keakealani Education Center SB2903 SD2 Hawaiian Language College</p> <p><b>Learning</b></p> <p>SB2121 DOE, Early Learning Council SB2124 SD2 Hurricane Relief Fund; Instructional Days SB2470 SD2 Instructional Days; 200 Days Minimum SB2967 SD1 Common Curriculum/Single textbook</p>	
		<p><b>Teachers</b></p> <p>SB2346 SD1 HTSB – Duties delegated to ED or other SB2591 SD2 Hawaii Teacher Standards Board – Omnibus SB2797 SD2 VEBA Trusts SB2873 SD1 Code of Ethics</p>	

11/22/2010

**Education &  
Housing Committee (EDH)**

**HOUSING**  
**First Decking**  
**February 26, 2010**

		<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><b>Senator Norman Sakamoto</b> Chair, Senate Education &amp; Housing Committee Phone: 586-8585 Fax: 586-8588 <a href="mailto:sensakamoto@capitol.hawaii.gov">sensakamoto@capitol.hawaii.gov</a></p>	
		<p><b>Affordable Housing</b></p> <p>SB2110 SD2 Affordable Housing; 45 Day Review SB2111 SD2 Affordable Housing; 60 Day Infrastructure requests SB2575 SD2 Affordable Housing &amp; Rentals SB2592 SD2 GET Affordable Housing SB2594 SD1 Affordable Housing; Residency Requirement SB2595 SD1 Affordable Housing; HUD Calculation</p>	
<p><b>Other</b></p> <p>SB2473 SD1 Elderly Housing; Kupuna SB2578 SD2 Hawaii Residential Housing; Tax Credit; New Construction SB2649 SD2 UH Sunset Provision on Construction or Renovation</p>		<p><b>Hawaii Housing and Devel. Corp</b></p> <p>SB2593 SD1 HHFDC Periodic Reviews</p> <p><b>Hawaii Community Development Association</b></p> <p>SB2408 SD2 HCDA Reserved Housing</p>	<p><b>Hawaii Public Housing Authority</b></p> <p>SB2108 SD1 HPHA Board Membership SB2276 SD1 HPHA Alcohol Prohibition SB2277 SD2 HPHA Common Area Expense SB2278 SD2 HPHA Criminal Trespass</p>
		<p><b>Low Income Housing Tax Credits (LIHTCs)</b></p> <p>SB2109 SD2 Low-Income Housing Tax Credits</p>	
		<p><b>Rental Housing</b></p>	

11/22/2010