

FIFTY-SIXTH DAY

Friday, April 23, 2010

The Senate of the Twenty-Fifth Legislature of the State of Hawai'i, Regular Session of 2010, convened at 6:46 p.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Suzanne Marinelli, Legislative Reference Bureau Public Access Room, after which the Roll was called showing all Senators present with the exception of Senator Bunda who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 505 to 512) were read by the Clerk and were placed on file:

Gov. Msg. No. 505, dated April 22, 2010, transmitting the Governor's statement of objections to Senate Bill No. 2394, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF TRUSTEES OF THE DEFERRED COMPENSATION PLAN," which was returned to the Senate without approval and reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 22, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2394

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2394, entitled 'A Bill for an Act Relating to the Board of Trustees of the Deferred Compensation Plan.'

The purpose of this bill is to delete the requirement that the Director of Human Resources Development be the Chairperson of the Deferred Compensation Plan Board of Trustees ('Board'), and to provide that the Director is an ex officio member. This bill also eliminates two appointed at-large members of the Board of Trustees, and replaces them with two state employee appointees. This bill is objectionable because it negatively impacts the State's supplemental retirement plan for over 28,000 government employees by changing the composition of the Plan's Board of Trustees.

First, this measure adversely impacts the Board of Trustee's ability to make sound investment decisions by removing two at-large member positions. The two at-large member positions are currently filled by non-government employees, including one with private sector finance and investment experience. Firsthand experience and working knowledge of banking and investment is helpful for a plan with \$1,400,000,000 in assets. Moreover, non-state members have the ability to provide a perspective on the management and performance of the plan that may not be available to state members. Given that five of the seven members currently on the Board are state employees, employee concerns are already adequately represented on the Board.

Secondly, this measure unnecessarily disrupts the administration of the Plan by removing the Director as the Chair of the Board. Currently, the Plan is administratively attached to

the Department of Human Resources Development ('Department'), which provides staff support and ensures the Plan is consistently administered along with all other employee benefits in the State's total compensation package. As part of those duties, the Department responds to inquiries by Plan participants, prepares information and fliers regarding the Plan for beneficiaries and oversees the Plan contractors. Removing the Department Director as the Chair of the Board will remove the administrative support and coordination provided by her office.

The Board has had the same statutory structure since 1981, and has carried out its fiduciary responsibilities in an appropriate manner.

I would note that since 2007, the Plan has received several nationally recognized awards. The Plan's most recent awards include the National Association of Government Defined Contribution Administrators' 2008 and 2009 'Leadership Recognition Awards'. Given the positive steps that the Board of Trustees has taken to improve the Plan, this bill is unnecessary.

For the foregoing reasons, I am returning Senate Bill No. 2394 without my approval.

Respectfully,  
/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 506, dated April 22, 2010, transmitting the Governor's statement of objections to Senate Bill No. 2501, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," which was returned to the Senate without approval and reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
April 22, 2010

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2501

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2501, entitled 'A Bill for an Act Relating to Public Accountancy.'

The purpose of this bill is to require accounting firms that engage in attestation work to undergo peer review as a condition of obtaining a permit to practice in Hawaii. Specifically, the bill mandates that every accounting firm, including the Hawaii offices and Hawaii engagements of foreign or multi-state firms, undergo a peer review every three years on the firm's Hawaii audit, compilation of financial statements, government, and public company work and submit evidence of such a peer review at the time of the renewal of the firm's permit to practice.

Appropriately conducted peer reviews ensure the quality of work prepared by certified public accounts and help protect the interests of the public who rely of the financial statements, audits and similar work prepared by these firms.

However, this bill is objectionable because it would mandate office-specific peer reviews that may not be consistent with

current peer review standards set forth by the American Institute of Certified Public Accountants. Many multi-state and multinational firms practicing in Hawaii already participate in nationally recognized systems of peer review that include the engagements and work these firms do in our State.

No other state mandates office-specific reviews. Further, the proposed requirements in this bill would place a significant burden on the Hawaii Board of Public Accountancy that would be required to establish and administer a stand-alone peer review program not required elsewhere.

The additional requirement of office-specific peer reviews may discourage some firms from engaging in assignments in Hawaii, thereby limiting the choice of public accounting firms Hawaii companies can select when seeking accounting services. Additionally, small, local firms that have elected to not undergo voluntary peer review would now be mandated to assume the costs of going through this process in order to conduct attestation-type accounting activities.

For the foregoing reasons, I am returning Senate Bill No. 2501 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 507, dated April 22, 2010, transmitting the Governor's statement of objections to House Bill No. 1642, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASES OF HEALTH AND HUMAN SERVICES," which was returned to the Senate without approval and reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 22, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1642

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1642, entitled 'A Bill for an Act Relating to the Purchases of Health and Human Services.'

The purpose of this bill is to require proposals for purchases of health and human services under chapter 103F, Hawaii Revised Statutes, to be submitted only by licensed providers. This bill also requires that these proposals include all costs, fees, and taxes, and that any award or contract shall be for the amount of the proposal. Finally, this bill prohibits any award or contract under chapter 103F from including any other payment, rebate, or direct or indirect consideration that is not included in the proposal.

This bill is objectionable because it adversely impacts health and human services contracts by limiting the pool of qualified providers, decreasing competition, and increasing costs.

Both the Department of Health and the Department of Human Services issue requests for proposals that do not require licensure at the time the proposal is submitted. The licensure process for providers of health and human services contracts can be expensive and time consuming, particularly for non-profit organizations. Applicants currently submit proposals with the expectation that licensure must be obtained to perform the contracted services if they win the bid. The inability of these providers to bid before they have the requisite license will

reduce the number of qualified providers that will submit proposals, thereby limiting the number of bidders available to provide valuable services to the disabled, sick, and low income families. Reducing the number of applicants that may bid on a request for proposals also reduces competition which can lead to higher bids and thus higher costs to the State. It is in the best interest of the public to allow the purchasing agent to decide at what point, upon proposal deadline or prior to award or contract commencement date, that licenses should be in place.

This bill is also objectionable because it requires any award or contract to be for the amount of the proposal. Under the current procurement process, the bidder proposes a dollar amount to provide the proposed services and the purchasing agency determines the amount of the award based on the availability of funds, the scope of services, and the quality of the proposal. Under this bill, the bidder dictates the award amount and the purchasing agency would no longer have the authority to adjust the award during contract negotiations, even in instances when there are legitimate budget constraints.

Furthermore, for some health and human services contracts, the total amount of the final contract cannot be determined in advance and, therefore, cannot be included in a bidder's proposal. As an example, payment under a contract for residential services may be based on the number of bed-days used times a set per-day rate. The number of days actually utilized is not known in advance. Therefore, the requests for proposals are structured to require bids that reflect the cost of units of service with the caveat that the exact number of units to be used may vary from estimates provided in the solicitation.

Consequently, the requirement in this bill that proposals include all costs, fees, and taxes, and that the resulting contract be for the amount of the proposal, would remove the ability of state agencies to implement rate schedules that are used for many health and human services.

If purchasing agencies must estimate the total quantity of services needed under a particular solicitation in order to comply with this measure, it is likely costs to the State would increase. In order to solicit a bid that includes all costs of the resulting contract, the State will have to generously estimate the total amount of services required, rather than structuring the solicitation and contract to allow the State to pay only for the services that are actually rendered. Alternatively, the State may specify in the solicitation a possible range of services that will be required under the contract and the bidders will be required to bid at the upper range of possible bid prices for the total quantity to ensure that they have not underbid.

Finally, it appears that the provisions of this bill relating to insurance premium or general tax rebates or waivers are unnecessary. The Legislature included them based on a misperception that the State should not be paying its contractors for these taxes or, in the case of Medicaid contracts, that the State would be unable to secure federal matching funds to pay those costs. In fact, these taxes are an accepted cost of doing business in the State, which purchasers, including State agencies, typically include in their contracts for goods and services. Moreover, the State may obtain federal reimbursement for such taxes to the same extent that it receives federal funds for other federally-reimbursed expenses.

For the foregoing reasons, I am returning House Bill No. 1642 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 508, dated April 22, 2010, transmitting the Governor's statement of objections to House Bill No. 2546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESTORATION OF CERTAIN FORFEITED PROFESSIONAL AND VOCATIONAL LICENSES," which was returned to the Senate without approval and reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 22, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2546

Honorable Members  
Twenty-Fifth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2546, entitled 'A Bill for an Act Relating to Restoration of Certain Forfeited Professional and Vocational Licenses.'

The purpose of this bill is to establish time limits to restore forfeited licenses of chiropractors and of real estate salespersons and brokers.

A companion measure, Senate Bill No. 2699, was also passed during the Regular Session of 2010. Because I approved Senate Bill No. 2699 as Act 11 of the Session Laws of Hawaii 2010, which accomplished the purpose of this bill, there is no need to also approve this bill.

For the foregoing reasons, I am returning House Bill No. 2546 without my approval.

Respectfully,

/s/ Linda Lingle  
LINDA LINGLE  
Governor of Hawaii"

Gov. Msg. No. 509, informing the Senate that on April 23, 2010, the Governor signed into law Senate Bill No. 2701, S.D. 1, H.D. 1 as Act 47, entitled: "RELATING TO CONSUMER PROTECTION."

Gov. Msg. No. 510, informing the Senate that on April 23, 2010, the Governor signed into law House Bill No. 2568, S.D. 1 as Act 48, entitled: "RELATING TO THE BOARD OF DIRECTORS OF THE HAWAII PUBLIC HOUSING AUTHORITY."

Gov. Msg. No. 511, informing the Senate that on April 23, 2010, the Governor signed into law Senate Bill No. 2921, S.D. 1, H.D. 1 as Act 49, entitled: "RELATING TO ESCROW DEPOSITORIES."

Gov. Msg. No. 512, informing the Senate that on April 23, 2010, the Governor signed into law Senate Bill No. 2390, S.D. 2, H.D. 2 as Act 50, entitled: "RELATING TO PHARMACIST LICENSURE."

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 614 to 618) were read by the Clerk and were placed on file:

Hse. Com. No. 614, informing the Senate that on April 22, 2010, the Speaker appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House concurrent resolutions:

H.C.R. No. 296 (S.D. 1):

Representatives McKelvey, Choy, Co-Chairs; Evans, Ward.

H.C.R. No. 297 (S.D. 1).

Representatives McKelvey, Choy, Co-Chairs; Evans, Ward.

Hse. Com. No. 615, informing the Senate that on April 22, 2010, the House reconsidered its action taken on April 1, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 840, H.D. 1 (S.D. 1).

Hse. Com. No. 616, informing the Senate that on April 22, 2010, the House reconsidered its action taken on April 8, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 2003, H.D. 3 (S.D. 2).

Hse. Com. No. 617, informing the Senate that on April 22, 2010, the House reconsidered its action taken on April 7, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 2083, H.D. 1 (S.D. 2).

Hse. Com. No. 618, informing the Senate that on April 22, 2010, the House reconsidered its action taken on March 29, 2010, in disagreeing to the amendments proposed by the Senate to H.B. No. 2721, H.D. 1 (S.D. 1).

**CONFERENCE COMMITTEE REPORTS**

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2644, H.D. 2, presented a report (Conf. Com. Rep. No. 41-10) recommending that H.B. No. 2644, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 41-10 and H.B. No. 2644, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1665, H.D. 1, presented a report (Conf. Com. Rep. No. 42-10) recommending that H.B. No. 1665, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 42-10 and H.B. No. 1665, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN FISHPONDS," was deferred for a period of 48 hours.

Senator Hee, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2610, presented a report (Conf. Com. Rep. No. 95-10) recommending that S.B. No. 2610, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 95-10 and S.B. No. 2610, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2806, S.D. 2, presented a report (Conf. Com. Rep. No. 96-10) recommending that S.B. No. 2806, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 96-10 and S.B. No. 2806, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY AND

BUDGET RESERVE FUND," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 930, presented a report (Conf. Com. Rep. No. 97-10) recommending that S.B. No. 930, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 97-10 and S.B. No. 930, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTEER MEDICAL ASSISTANCE SERVICES," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2729, S.D. 2, presented a report (Conf. Com. Rep. No. 98-10) recommending that S.B. No. 2729, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 98-10 and S.B. No. 2729, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMMUNIZATION," was deferred for a period of 48 hours.

#### ADVISE & CONSENT

Stand. Com. Rep. No. 3214 (Gov. Msg. No. 423):

Senator Kim moved that Stand. Com. Rep. No. 3214 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of ALAN MUN LEONG YEE to the Board of Taxation Review, 1st Taxation District (Oahu), term to expire June 30, 2014, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3215 (Gov. Msg. No. 424):

Senator Kim moved that Stand. Com. Rep. No. 3215 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of MICHAEL CHANG to the Board of Taxation Review, 3rd Taxation District (Hawaii), term to expire June 30, 2014, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3216 (Gov. Msg. No. 455):

Senator Kim moved that Stand. Com. Rep. No. 3216 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of MICHELE A. KATO to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2014, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3217 (Gov. Msg. No. 456):

Senator Kim moved that Stand. Com. Rep. No. 3217 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of FAYE M. MURAYAMA to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2012, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3218 (Gov. Msg. No. 457):

Senator Kim moved that Stand. Com. Rep. No. 3218 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of MICHAEL T. MCENERNEY to the Tax Review Commission, term to expire June 30, 2012, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3219 (Gov. Msg. No. 458):

Senator Kim moved that Stand. Com. Rep. No. 3219 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of GREGG M. TAKETA to the Tax Review Commission, term to expire June 30, 2012, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 3224 (Gov. Msg. No. 435):

Senator Fukunaga moved that Stand. Com. Rep. No. 3224 be received and placed on file, seconded by Senator Baker and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of CLIFFORD P. KAPONO to the State Foundation on Culture and the Arts Commission, term to expire June 30, 2014, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 3225 (Gov. Msg. No. 377):

Senator Tokuda moved that Stand. Com. Rep. No. 3225 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of MATTHEW R. WILLIAMS to the Board of Regents of the University of Hawaii, term to expire June 30, 2012, seconded by Senator Sakamoto.

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

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

Stand. Com. Rep. No. 3226 (Gov. Msg. No. 378):

Senator Tokuda moved that Stand. Com. Rep. No. 3226 be received and placed on file, seconded by Senator Sakamoto and carried.

Senator Tokuda then moved that the Senate advise and consent to the nomination of CHUCK Y. GEE to the Board of Regents of the University of Hawaii, term to expire June 30, 2015, seconded by Senator Sakamoto.

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

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

At this time, the President made the following announcement:

“Members, pursuant to Senate Rule 37(3), the final question on nominations made by the Governor which require the advice and consent of the Senate must be stated in the affirmative. Therefore, those casting Aye votes are voting to confirm, and those casting No votes are voting to reject the nomination.

“The recommendation of the Committee on Higher Education on Gov. Msg. No. 379 is that the Senate not advise and consent to the nomination of Ronald D. Montgomery to the Board of Regents of the University of Hawai‘i. Therefore, the Chair will first entertain a motion to file Standing Committee Report No. 3227, then we will move on to the final vote on this matter.”

Stand. Com. Rep. No. 3227 (Gov. Msg. No. 379):

Senator Sakamoto moved that Stand. Com. Rep. No. 3227 be received and placed on file, seconded by Senator Slom and carried.

Pursuant to Senate Rule 37(3), Senator Slom moved that the Senate advise and consent to the nomination of RONALD D. MONTGOMERY to the Board of Regents of the University of Hawaii, term to expire June 30, 2015, seconded by Senator Sakamoto.

Senator Tokuda rose in opposition to nomination and said:

“Before I go into the reasons why I cannot support the nominee, I want to thank Mr. Montgomery for his willingness to serve and for the time and effort he took to address the Committee and to respond to our questions. I have no doubt that he cares deeply for his community, and his advocacy on issues is commendable. That being said, there were a number of troubling factors that came to light during and after his confirmation which I cannot ignore. As a result, I cannot support his nomination to the Board of Regents.

“The Regents Candidate Advisory Council developed a description of the responsibilities and duties of the Board of Regents. They include such things as strategic planning; policy making; setting examples of integrity, inquiry, and service; serving as ambassadors to the community; and acting as a unit. I consider integrity and trustworthiness to be very important characteristics of a regent, and the working relationship I have with the Board is one based upon trust.

“Following our confirmation hearing, Mr. Montgomery misrepresented himself in an exchange he had with the current chair of the Board of Regents, conveying to a senator that the chair was pleased with his responses and was supportive of his nomination. The chair of the Board of Regents has stated that these assertions are absolutely not correct, and I find it very troubling that he would misstate the content and the meaning of his conversations in order to support his nomination. This action leads me to question his credibility and the integrity of his word, which would not be a good basis for a relationship of

trust with his fellow regents, allowing them to work together as a unit.

“Like a candidate for a judicial seat, a nominee’s temperament and conduct are also important when considering someone for the Board of Regents. If our regents are to serve as ambassadors to the community and set an example of integrity and service for the system, the way they carry themselves, especially in the face of disagreement, is a critical measure of their qualification for the position. As an outspoken advocate in the movement to build a private hospital on Maui, Mr. Montgomery had the opportunity to be a strong leader that could seek to unite the community to find a solution. Instead, Mr. Montgomery chose to throw fuel onto the fire and further divide the parties involved by resorting to petty name calling and making imprudent and divisive statements. He admitted to the Committee that his words and actions did not help to bring about a solution to the problem at hand, and that he tends to irritate people because his comments can be sarcastic.

“Colleagues, this has nothing to do with free speech. What it does do is provide us with insight with how Mr. Montgomery chooses to deal with disagreement and complicated emotionally-charged problems, situations not unlike those he would encounter as a regent, where expectations as to his temperament would be significantly higher than that which he displayed in the case of Malulani. When asked in the hearing, Mr. Montgomery agreed that as a regent, your words and your actions, regardless of if they relate to university business, can reflect on the system as a whole, which is why it is important to carry oneself with a certain level of decorum and seek to resolve disagreements in a civil and respectful manner. Unfortunately, in Mr. Montgomery’s case, this does not correspond with past practice, and I have major concerns as to the disruption and divisiveness these kinds of actions would cause on a board challenged with making critical decisions for our university system.

“In addition, while I appreciate Mr. Montgomery’s acknowledgment of a possible or perceived conflict of interest relating to his employment with a competing institution of higher learning, I cannot overlook the serious ramifications the conflict could have in regards to critical decisions made by the Board of Regents. Both university systems have overlapping disciplines and compete for the same subset of students. That being said, given the critical decisions made by the Board on a financial, strategic, and policy-making level, Mr. Montgomery would be in a position to make decisions that may directly impact his employer. Actions taken by the regents, such as tuition rates, enrollment qualifications, and the elimination or creation of programs could affect the University’s competitive stance with respect to private colleges serving Hawai‘i, including the University of Phoenix. Regardless of whether actual conflicts of interest exist, the mere perception of a conflict of interest may cast a cloud over the decisions made by the Board of Regents. If Mr. Montgomery had to recuse himself from participation in these votes because of a perceived or potential conflict, we are left to wonder to what extent he would be able to effectively serve as a regent at all.

“Finally, a regent must possess the knowledge and understanding of the system and the people that it serves. In his responses when asked to identify ideas for generating revenue for the University, he went immediately to tuition increases based on the campus and the academic track a student chooses. For example, if UH Hilo becomes one of the best astronomy degree programs in the country, the tuition should reflect this. I have no problem with responsible tuition adjustments and striving to be competitive and even better than our competition across the country and around the world. I do, however, have concern with pricing out our students from being able to pursue a degree of their choosing because tuition for one academic

track may be higher than another. I do have a concern that when asked why his written and verbal responses contain nothing in regards to accessibility for all of Hawaii's people, regardless of their socio-economic status, he felt that his support for distance learning sufficed. Our University of Hawaii'i system is the only option for many of our students, and a regent needs to be able to be empathetic to the communities that we serve. When questioned, Mr. Montgomery felt that he was being criticized for thinking creatively about ways that we can increase revenue. Raising tuition isn't new and is anything but creative, colleagues. In fact, had he done a little research, he would have found that we are already in the middle of a six-year tuition increase and that the actual tuition is twice as high as the amount he listed in his responses.

"Colleagues, there's a reason you don't see a stream of bills relating to the programming and governance of the University of Hawaii'i system streaming across the Senate floor tonight or the weeks to come for final reading. As a semi-autonomous entity, we largely rely on the Board of Regents to make decisions for our university. That is why these confirmation proceedings are so important: so that we can understand how nominees will carry themselves as regents, and the way that they will approach difficult decisions that they are faced with.

"While I appreciate his willingness to serve, I cannot support Mr. Montgomery's confirmation, and I would ask all of you to seriously consider the points that I raised when making your decision. Thank you."

Senator Slom rose in support of the nomination and said:

"I, too, attended the hearing, was there for the entire hearing. I had never met Mr. Montgomery before, but it just shows you how two people can have different reactions and responses to the same information being provided.

"First of all, for the record, let's show that there never was any challenge to Mr. Montgomery's qualifications or his academic experience. In fact, he has over seven years of teaching experience at various levels. He showed that he had a great knowledge of education and what the Board of Regents has to do, as well as the issues and the crises facing the University.

"More importantly, though, he has a broad and diversified background in addition to his teaching. He was Director of Marketing at Silicon Graphics, Silicon Valley, California; and brings a much-needed technology experience to the board. In addition to that, however, he has been involved in a number of community activities on the island of Maui. Now, it is true that some individuals, particularly in this room, had taken an opposite position on issues, such as an independent, private Maui Hospital financed not by the taxpayers of this state but by independent investors.

"When we talk about this not being an issue of free speech, I beg to disagree. What most of the criticism about this nominee has had to do with is his differences of opinions, whether it had to do with community issues or whether it had to do with creatively thinking about the problems facing the University of Hawaii'i, my alma mater. I'm very concerned about that.

"By the way, the actual opposition to Mr. Montgomery came from a representative of the Women's Caucus of the Democratic Party of Hawaii'i. There was also an objection from the University Professional Assembly, the union at the University. But it was really interesting because that objection was based on a letter to an editor written in Maui that allegedly was an anti-union letter. Now, asked about that, Mr. Montgomery recounted what the letter was about; it had to do with budgetary matters. He said he never mentioned unionization once in the letter or outside the letter, and no one produced any evidence to show that he was not telling the truth.

So, when we talk about his voracity and his ability to be trustworthy, if that's used as an example, that's not a good example. By the way, he was asked two more times, including by myself, why he wrote anti-union statements in a letter; and in both times he reiterated again he never wrote anti-union statements, telling us instead about the content of that letter.

"Now, about the e-mail, which has caused some people concern on the Committee: First, it should be noted clearly the e-mail came after the hearing was over; came either late Sunday or early Monday after the Friday hearing. Now, I have copies now; I did not have copies then. I requested them; did not have copies. The discussion was that the chair of the Board of Regents said that what Mr. Montgomery said about him and about his support was not true. I have the original e-mail that Mr. Montgomery wrote, and he said at the end of the hearing, 'The chair of the Board of Regents stood at the end of my questioning, shook my hand, and said he was pleased with my responses. I believe Mr. Carr would support my nomination.' Mr. Carr has denied that he said that he would support or that he thought that he would support that; and that's being used as something that the nominee had circulated to misinform the Committee. Again, I remind everyone that the Committee had already met, had already heard from him, had asked questions. All of the questions were answered, and that Committee—committee of which I'm a part of—voted four to one not to approve him. This was before any e-mail. I read the e-mail because I think that any reasonable and rational person could say, 'That was Mr. Montgomery's opinion, and maybe it was wrong.' Presumably it was wrong because Mr. Carr took the time to write and said he did not do that. But I don't see anything in that e-mail that is trying to unduly influence either members of the Committee or members of this Senate body.

"As far as intemperate or imprudent statements, yes; yes, the nominee admitted to that. And as a matter of fact, he gave an apology to a member of the Committee who was involved in that very contentious issue about the public hospital on the island of Maui. The Committee member graciously accepted that apology. He further indicated, upon other questioning, he would not do things like that again. He would not write those kind of letters; in fact, at one point he said he wasn't going to write any letters at all, to which I replied I was very disappointed. I don't want anybody to back down from writing letters or to express their point of view. But I'm just wondering: If we talk a lot about free speech and differences of opinion and diversity, and then we condemn somebody because they've had a difference of opinion and because they were active in issues that were not politically correct or prominently correct, is that going to be the test in which we utilize?

"Then there was the question about unions. Oh boy, the nominee flunked that test because he didn't know enough about unions in the State and at the University. Woe is us! We certainly should make sure that a nominee for any board or commission—and particularly the state University of Hawaii'i—should know about unions: their power, their influence, what they control, what areas, and all of that. In other words, it wasn't good enough that he knew about academics. It wasn't good enough that he was qualified. It wasn't good enough that he was experienced. He didn't know about the UPW and the HGEA—he did know about the UHPA—and because of that, he was thought to be insensitive and also to have and possess a lack of knowledge.

"The question of the nominee's temperament came up, and his conduct; and as I mentioned, the nominee did apologize for what had happened as a private citizen. Did say he would be more 'temperate' in the future. Indicated, as the good Chair of the Committee said, he did indicate he understood that when you are a regent, you are not only an ambassador, but you're a spokesperson for the University of Hawaii'i, and that is true of

all of us. There's one thing to make remarks as a private citizen; another thing if you are representing a company, an organization or even, for example, the State Senate—and yet, we are able to express our differences of opinion.

“On the issue of conflict of interest, that's most interesting to me because he's the one that volunteered that—that there might be, or could possibly be, a perceived conflict of interest because he is a professor at the University of Phoenix. And one of the members of the Committee even asked, ‘Why are you bringing this up? Why could that be thought of as a conflict?’ which is what I thought. But upon further questioning, some members of the Committee thought, ‘Aha! Maybe he could give secrets from the University of Hawai'i to the University of Phoenix, or help them with their academic or financial plan, or vice versa.’ Well, the major thing that the University of Hawai'i is credited with now is research. We are a great research university. So perhaps he could have given secrets about glowing mice or jellyfish or something to do with the telescope at Mauna Kea. It wasn't really reasonable and rational to talk about that; and as I say, he brought it up himself. He initiated it. How many times have we had nominations and nominees where certain members of this body said, ‘Aha! He didn't reveal this as a potential conflict of interest.’ Mr. Montgomery's position was he would rather lay it out all on the table, and he did. And every question that he was asked, I felt was answered. Did I agree with everything that he answered? No, I did not. Would I have answered some of the things or said some of the things that he said? No, I would not. But I go back to, first of all, that was the Governor's choice of a number of people that were submitted by a council. Secondly, that no one questioned his experience. No one questioned his ability. They were questioning positions that he took on issues that they did not agree with.

“Then the issue of tuition increases came up. Again, I was there with the other four members of the Committee, and I did not get the impression that this nominee, when he was talking about trying to be creatively think-out-of-the-box, said immediately, ‘We've got to raise tuition. That's the only thing that we should do.’ I didn't get that impression at all. I got the impression from what he said that first of all, the University and any good university can't be all things to all people. But then he said if we are going to increase excellence, if we're going to provide even better services and better instruction and better resources, then it's got to be paid for. Look, we spent the last 59 days, 58 days worrying about the budget and talking about where money is coming from. Nobody likes tuition increases, but then again the public better get used to gasoline increases, real property tax increases, conveyance tax increases, general excise tax increases, personal income tax increases, and everything else that this Legislature's about to do. Is it really too much to ask that if you increase services and qualities and experience that people will have to pay for that or expect to pay for that because you're not getting these additional resources or good people or good programs without an added cost? That was the point that he made—and what's wrong with that? As I say, we don't want to raise costs—or at least that's what we say—and yet costs are going up all around us. And it's like anything else. People will be willing to pay for something if they perceive that the value has increased and that customer service is provided. And I didn't know that the litmus test for a University regent was going to be on their position of whether or not they would support tuition increases. Again, I say, I did not get the impression from him that that was the first thing that he wanted to do, that it was the only thing that he wanted to do, and that was the extent of his creativity. He did speak about other things that the University could do and might consider. He did speak about long-distance learning. He did speak about the changes in technology. So it wasn't just a single note, and it wasn't just a single point.

“Was he the best qualified candidate for Board of Regents? Oh, probably not. Maybe we could get better qualified candidates, but we didn't have them then, and the Governor selected him. The Governor selected him again from the names and qualifications given her from the Selection Committee.

“So, I have a real problem with this: that if we're going to base our vote on whether or not somebody says they would consider tuition increases as a necessary part of the component of paying for the total cost of the University of Hawai'i, but only if there was improvement and only if there was something that is not existing now, and if we're going to base our opinions on positions that someone takes in the community, and if we're going to base our opinion and our confirmation on just how knowledgeable an individual for a Board of Regents is of the University unions and how they operate and what they're made of and all of that, then I think we're short-changing the University and this community.

“If there was any evidence, and particularly solid evidence, again about the man's qualifications or experience or things that would lead a reasonable and rational person to say, ‘Oh yeah, he was really trying to put one over on us. He can't be trusted.’ But we didn't see that. We didn't see that at all. Instead, we saw a man who is being honest, brutally honest. Now, he could have come before that Committee as some people do come before committees, and boy are they smooth. They say exactly the things that the majority of senators want to hear. They say it politically correctly. They don't do anything that could be thought of as divisive. They don't have anything in their past that is brought up. Everybody kind of just looks the other way, and we move along.

“So, I would ask my colleagues also to think about his nomination and, again, to decide whether or not you want to submit your vote for someone based on their experience, on their abilities, or on their freedom of speech even when they say, ‘I understand I was wrong in that circumstance under those conditions, but I wouldn't do it under conditions where I am representing an organization as important as the University.’ So colleagues, I urge you to think about the vote on this confirmation. Thank you.”

Senator Baker rose in opposition to the nomination and said:

“This nominee will fill a Maui seat on the Board of Regents, and so it's particularly important to me as a senator from Maui that we find the best possible candidate, one who can bring value to the workings of the board. For me, a candidate to the Board of Regents must be someone who understands the University system, the importance of our community colleges, the pivotal role of public higher education to our state and our residents, issues challenging the University, and be able to represent the diversity of place and perspective on the board.

“At the outset, let me say that I continue to be troubled by the lack of diversity found in gubernatorial nominees to important appointed positions in our state, including the UH Board of Regents. At a time when the majority of students in our university system are female, there is only one woman on the current Board of Regents, and I'm proud to say she's from Maui. Of the regents recently nominated, there were none. There have been a plethora of qualified, interested and outstanding—in my view—women candidates for the regent positions, yet not of them were selected. I certainly want more gender equity on the Board of Regents. This nominee does not represent equity, but that fact alone is not enough to persuade me to vote ‘no’ on this nomination.

“Madam President, colleagues, the nominee presented himself as an out-of-the-box thinker. However, that's not the perception that I took away from the hearing, and I had never met him until the hearing. This nominee's written and oral

statements indicated a limited understanding or knowledge about the University system as a whole, and even the offerings in Maui County. He seemed to have little knowledge of UH Maui's mission; the existence of the education centers on Moloka'i, Lāna'i, Hana, and Lahaina; or why the community colleges developed as they did and the importance of having a physical presence on the neighbor islands. My colleagues and I have worked closely with our community and the college to ensure that UH Maui has grown with the community, both in program offerings and facilities. The new baccalaureate programs, outreach centers, and offerings from UH Hilo and West O'ahu delivered on Maui bring higher education to students there who cannot leave home to further their education. After reading his responses and hearing his answers, I was not comfortable that he would be an effective advocate for the programs and resources needed for our communities. But here again: This concern by itself would not have been enough to persuade me to vote 'no' on this nomination.

"When the questions turned to system matters, again, the nominee's lack of understanding of the dynamic of the University setting was revealed. The importance of research and innovation throughout the UH system, the role of RCUH and how this unique institute could be utilized, engagement of the students in government and decisions affecting affordability of their university, the important question of access to higher education for residents, even the role of the faculty union—these were just a few of the matters raised with Mr. Montgomery for which his answers were troubling. In commenting on the UH fiscal challenge, he seemed to turn immediately to a tuition increase, suggesting that a key measure of excellence at a university was a size of the tuition. Perhaps he was unaware that there were additional scheduled increases in the offering, and unaware that we have sought to not price our residents out of the higher education market while recognizing that higher education is not immune to the rising costs of goods and services. Again, this lack of knowledge and limited perspective by itself would not have been enough to persuade me to vote 'no' on this nominee.

"However, when I put all of the concerns outlined together, coupled with the ones articulated in the committee report, I find that this nominee does not measure up. I do not believe he is qualified to be a regent. Madam President and colleagues, the term of this Governor's nominee is five years. Each regent plays a critical role in charting a path for the University now and into the future. It makes our confirmation process all the more important. We need the best candidates available who can truly add value to the board and move the University forward. I do not believe this nominee has the breadth and depth of knowledge, experience, and vision needed in a regent. Therefore, I will be voting 'no.' Mahalo."

Senator Hemmings rose in support of the nomination and said:

"It's been a good debate. I'd like to offer some comments and insights into some of the things that have been said for consideration for a positive vote for the nominee for Governor's Message 379.

"I'm always amused by debates when someone stands up and says, 'This is a nice man. I have nothing personally against him,' and spends the next five or ten minutes telling us why he's not nice or she's not nice. I don't know the man, whether or not he's nice or not, but that's not what we're talking about here today.

"We are talking about perception. I was heard mentioned several times the word 'temperament' and it's important to look at those two words and what they really mean and how they reflect on the character of a person and their abilities to get things done. I will share with you that, in my reading of

history, Benjamin Franklin was often called 'crude'. In my reading of history, the man who saved Great Britain in World War II, Winston Churchill, was called 'cantankerous'. In the great liberation of the American women, oftentimes Gloria Steinem was referred to being as 'less than delicate' and 'rather aggressive'. Here in Hawai'i, the late Frank Fasi was oftentimes called 'confrontational'. Neil Abercrombie: a 'firebrand'. So people who have a great passion sometimes are a little more aggressive than what some of us would like, but nevertheless, they have something to contribute and their passion oftentimes results in things that are good for all of us.

"I especially am heartened that the issue of Malulani Hospital came up on Maui because it's an issue near and dear to me. I won't give you the Malulani Hospital speech that I've been giving for the years since that was turned down, but I would tell you if Mr. Montgomery had been listened to on Maui, possibly we would not be spending \$30 or \$40 million subsidizing Maui Memorial, and possibly, oftentimes the very sick people on Maui would not have to fly to O'ahu for care.

"I heard mentioned in this debate against Mr. Montgomery how important it is to have autonomy in the UH as dictated by our constitution, but isn't it duplicity that on one hand we say we want the University Board of Regents to have autonomy but if one of them talks about the necessity of thinking 'out-of-the-box' and maybe considering further tuition increases or some other things that maybe could be done at the University that all of a sudden we as legislators say, 'Well, the heck with autonomy. You can't do that.' That sounds rather duplicitous.

"An issue that I always enjoy is this diversity issue: gender equity, racial equity, socio-economic equity. We certainly want more poor guys, less rich guys. We want more locals, less haoles; more Hawaiians, less Filipinos. I could even say there's not enough Portuguese. Where do we stop? Where do we stop? When do we start making decisions based on the content of the individual's character?

"I had not met the man, nor was I at the hearing, but I'm hoping that the perspective on some of the things that were mentioned on the floor today could really be thought out, and that this man could be dealt with as a nice guy, nicely and fairly, and with equity, and with respect. And I think if you would do so, and if you listened to the very systematic presentation by my colleague next to me, you will vote in the affirmative for Mr. Montgomery. Thank you, Madam President."

Senator Slom rose in rebuttal and said:

"I just wanted to share with my colleagues the answer to one of the questions submitted by Mr. Montgomery:

As a regent, what would be your top three priorities for the University?

Development of a "venture capital" environment for the University – This would be related to the Presidential Advisory Group of Experts' work and modeling a program based on best practices of universities and venture capital firms skilled in technology development and transfer.

Development of "the next generation" of distant learning [by] develop[ing] a proposal to leverage new technologies like the Apple iPad. Reduce student costs by having textbooks downloadable at a lower price than [hardcover] editions.... Use interactive technologies for collaborative work including face-to-face interaction with professors, TAs, and other students to maintain a "virtual" classroom.

[And finally] Participate in development of an “18-month rolling” strategic plan, includ[ing] benchmarking and metrics and utiliz[ing] process improvements to develop additional efficiencies.

“And if you read through all of the other answers to all of the questions, you would come away with the feeling that this is a man that is not knowledgeable? That is not experienced? That doesn’t know how the system is working? You would come away with the idea that this is a man, in fact, who is very attuned to the technological changes. He quotes UH President Greenwood many times in terms of adopting the proposals that she has made for changes within the University system. So, to say that this man doesn’t have the knowledge and doesn’t know what’s going on I think is ridiculous and demeaning.

“I do, however, apologize to my colleagues for the fact that Mr. Montgomery is not a woman. You know, we’ve had this issue of gender equity, and yet the colleagues that bring this up over and over again seem to forget that the present administration under Governor Linda Lingle has appointed more women to more important posts than any governor past, or thinking about it in the future—and yet we talk about gender equity. In fact, the opposition from the Democratic Party Women’s Caucus, upon questioning by me, she said she never met the nominee, doesn’t know anything about the nominee, didn’t know anything other than he was a man and there should be a woman. I say, folks, we are getting to be very, very narrowly based in looking at people who volunteer for community service and leadership. So, I would just urge you to think about all of these things, and Madam President, I would request a Roll Call vote. (The Chair so ordered). Thank you.”

Senator Hee rose in opposition to the nomination and said:

“I want to thank the previous speakers in helping me reaffirm my position in opposition. It’s not so much that, as some have said before me, that there should be a woman, but if there should be a man, it should be a different man.

“One thing, as all of us know on this floor, is that when we write things, they stay forever and ever. And while I do not take issue with anyone on this floor’s right to e-mail or publish or comment anything in writing, it does offer us a view into the author’s mind. Why this individual may have chosen to take on the elected officials does not trouble me as much as the way it was done. Why this particular individual chose to name elected officials doesn’t even bother me because that right allows us to focus and get a mind’s eye view of the individual. However, when the individual wrote, ‘Our Maui State Senators have been masters of sandbagging local empowerment on health care, schools, and environmental safety, but how can you argue against the quote “mahalo plenty to Senator Baker?”’ There is at least a perception of a meanness. When the individual wrote, ‘Senate Health Committee Chairman David Ige stated, “The process could become a model for health care planning statewide,”’ and continued, ‘It seems O’ahu will determine Maui’s health care future; these f.o.l.k.s. (flaky O’ahu legislative kooks) need to be sent a message.’ Well, the message has been delivered tonight. When the individual says, ‘Only voters in Kihei and Lahaina can remove Senator Baker. Please find a candidate to run against her. Support the candidate,’ that’s all okay with me. ‘Return honesty and commitment to government,’ is not okay with me. It allows us a view of the content of his character.

“I don’t take issue with the fact that he’s a man because I’m sure women are perfectly capable of writing the same as I have read. However, we can look at history and evaluate the contributions made not only by men, but by women. The two women that come to my mind who have sat as members of the Board of Regents—one is not here, and that’s Ah Quon McElrath. Her writings are significantly different. It doesn’t

necessarily mean they’re better than what I’ve read, but I will say they’re significantly different in that her writings as a social worker, as a community activist, as someone who has suffered with others, and her commitment to end suffering for all, and her philosophy that ‘when the tide comes in, all boats float,’ are profoundly more meaningful to me than calling names to others regardless of the right to do so. The other regent that comes to mind is Amy Agbayani, who said, when asked about women and this Governor’s appointments to the Board of Regents, ‘It’s about having everybody at the table. Not only is it fair, but you get better decisions that way.’ She says, ‘We’ve come a long way, and one marker of that is Patsy Mink.’ Like the nominee, former regent Agbayani’s writing will be a part of who she is forever. She did say, when asked about the Governor being a woman, she said that ‘I did indicate that it was progress getting her there, but that was a technical issue,’ as one of the previous speakers indicated—man versus woman. But she did continue: ‘The expectations continue to be high. That doesn’t excuse the lack of women now on the Board of Regents. You cannot hide behind “they didn’t apply.” That is not true of this particular nomination because there was at least one woman that I am aware of.’ And as former regent Agbayani accurately continued, ‘There are some incredibly competent women who are interested and were passed over.’ As one of the previous speakers correctly indicated, of the 15 members of the Board of Regents, only 1 is a woman. Of the 13 members elected and selected by all of us to the Board of Education, 9 are women. Of the members of this body, who are selected by everyone who can vote, approximately one-third of the seats here are occupied by women. Just over one-third of the seats occupied across the aisle, 18 of 51 members, are women. Amy Agbayani, when asked, ‘Why is wanting gender balance not the same as favoritism?’ said, ‘It is fair and a part of Americans’ aspirations to try and give everyone an equal opportunity. The second thing why we do all these things is because it’s smart. The results of the decisions usually are better and the studies would indicate that women and men, engaged in meaningful discussion, are likely to have better results.’ And then she ended like this: ‘By the way, it’s men who also want women on the board. It’s not just women who think this way. Some of my best allies are men because they have been impressed with the quality of our participation. Not only do you get good decisions, but you get buy-in when you include everyone.’

“You know, I read an article written on July 6, 2003, by two women and two men and it is entitled, ‘University of Hawaii’s Money Crisis: Dangerous Equations: President Evan Dohell has run UH’s finances into the red with huge pay raises and empty promises,’ written by Dr. Amy Agbayani, Senator Donna Mercado Kim, Dr. Ralph Moberly, and Rep. K. Mark Takai. I’m not sure that I agree with everything that the four authors concluded, but I am absolutely certain that the data that was a part of the article here is accurate. It created a good discussion of a particular point of view. There was nothing mean, in my opinion, by the writings of these four. There is nothing mean about the responses of Amy Agbayani or Ah Quon McElrath, but the window provided us in the e-mails of the nominee are not funny and are regrettable.

“Madam President and members, for these reasons, I will not support this particular individual. Thank you.”

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 2. Noes, 22 (Baker, Chun Oakland, English, Espero, Fukunaga, Gabbard, Galuteria, Green, Hanabusa, Hee, Hooser, Ige, Ihara, Kidani, Kim, Kokubun, Nishihara, Sakamoto, Takamine, Taniguchi, Tokuda, Tsutsui). Excused, 1 (Bunda).

**FINAL ADOPTION**

S.C.R. No. 183, S.D. 1, H.D. 1:

On motion by Sakamoto, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 183, S.D. 1, and S.C.R. No. 183, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A LEGISLATIVE NOISE POLLUTION TASK FORCE TO REVIEW BEST PRACTICES FROM OTHER STATES IN REDUCING URBAN NOISE POLLUTION," was Finally Adopted.

S.C.R. No. 202, S.D. 1, H.D. 1:

On motion by Sakamoto, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 202, S.D. 1, and S.C.R. No. 202, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE MUTUAL CANCELLATION OF LEASE OF NON-EXCLUSIVE EASEMENT S-5252 AND ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS SITUATED AT LAPAAKEA, LAHAINA, MAUI, IDENTIFIED BY TAX MAP KEY: (2) 4-5-001:055; SEAWARD OF TAX MAP KEY: (2) 4-5-001:006," was Finally Adopted.

**ADOPTION OF RESOLUTIONS****MATTERS DEFERRED FROM THURSDAY, APRIL 22, 2010**

Stand. Com. Rep. No. 3220 (H.C.R. No. 167, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 167, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ADOPT A POLICY FOR THE INTEGRATION OF A PEDAGOGY OF ALOHA IN PUBLIC SCHOOLS FOR IMPROVED LEARNING IN THE 21ST CENTURY," was adopted.

Stand. Com. Rep. No. 3221 (H.C.R. No. 235, H.D. 2):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 235, H.D. 2, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PHASE OUT OF PRODUCTION AND IMPORTATION OF DECABROMODIPHENYL ETHER IN THE UNITED STATES," was adopted.

Stand. Com. Rep. No. 3222 (H.C.R. No. 216):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR HAWAII TO PURSUE THE BID TO HOST THE 2016 INTERNATIONAL UNION FOR CONSERVATION OF NATURE WORLD CONSERVATION CONGRESS," was adopted.

Stand. Com. Rep. No. 3223 (H.C.R. No. 289, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 289, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING STATE PUBLIC ENTITIES TO COMMIT TO HEALTHIER AND MORE NUTRITIOUS MEALS IN THEIR PROGRAMS BY SPENDING MORE OF THEIR FOOD DOLLARS FOR LOCALLY-PRODUCED PRODUCE OR OTHER HAWAII AGRICULTURAL PRODUCTS," was adopted.

Stand. Com. Rep. No. 3228 (H.C.R. No. 262, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 262, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF THE WAIANAE COAST HOMELESSNESS TASK FORCE TO DEVELOP A COMPREHENSIVE PLAN TO ADDRESS THE IMMEDIATE, SHORT-, AND LONG-TERM NEEDS OF THE HOMELESS AND THOSE AT-RISK OF BECOMING HOMELESS," was adopted.

Stand. Com. Rep. No. 3229 (H.C.R. No. 123):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING AEROSPACE AS A STRATEGIC AND TIMELY GROWTH INDUSTRY FOR HAWAII AND REQUESTING THE STATE ADMINISTRATION TO TAKE PROACTIVE, COORDINATED, AND SUSTAINED ACTION TO FULLY REALIZE THE SIGNIFICANT SCIENTIFIC, EDUCATIONAL, AND COMMERCIAL BENEFITS THE AEROSPACE INDUSTRY CAN BRING TO THE STATE," was adopted.

Stand. Com. Rep. No. 3230 (H.C.R. No. 139):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO WORK WITH THE HAWAII LAW ENFORCEMENT MEMORIAL FOUNDATION, THE COUNTY POLICE DEPARTMENTS, THE DEPARTMENT OF PUBLIC SAFETY, THE UNITED STATES MARSHAL FOR THE DISTRICT OF HAWAII, THE STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS, AND THE CONCERNS OF POLICE SURVIVORS INCORPORATED, TO PLAN AND CONSTRUCT A HAWAII STATE LAW ENFORCEMENT MEMORIAL," was adopted.

Stand. Com. Rep. No. 3231 (H.C.R. No. 187):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PAROLING AUTHORITY TO ESTABLISH A HOPE PAROLE PILOT PROGRAM," was adopted.

Stand. Com. Rep. No. 3232 (H.C.R. No. 223, H.D. 1):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the report of the Committee was adopted and H.C.R. No. 223, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU, WITH ASSISTANCE FROM THE DEPARTMENT OF DEFENSE, TO CONDUCT A STUDY ON THE FEASIBILITY OF USING LUALUALEI NAVAL ROAD AS AN EVACUATION ROUTE IN THE EVENT OF AN EMERGENCY OR NATURAL DISASTER ON THE LEEWARD COAST," was adopted.

Stand. Com. Rep. No. 3233 (H.C.R. No. 175):

On motion by Senator Sakamoto, seconded by Senator Slom and carried, the joint report of the Committees was adopted and H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DESIGNATE THE HONOR AND REMEMBER FLAG AS A NATIONAL SYMBOL OF OUR NATION'S CONCERN AND COMMITMENT TO

HONORING AND REMEMBERING THE LIVES OF ALL MEMBERS OF THE US ARMED FORCES WHO HAVE LOST THEIR LIVES IN THE LINE OF DUTY," was adopted.

#### FINAL READING

#### MATTERS DEFERRED FROM THURSDAY, APRIL 22, 2010

Conf. Com. Rep. No. 12-10 (H.B. No. 1190, H.D. 1, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 12-10 and H.B. No. 1190, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ACCIDENT INVESTIGATION," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 13-10 (H.B. No. 2020, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 13-10 and H.B. No. 2020, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 14-10 (H.B. No. 1854, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 14-10 and H.B. No. 1854, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 15-10 (H.B. No. 2676, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 15-10 and H.B. No. 2676, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE COMMISSION," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 16-10 (H.B. No. 2239, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 16-10 and H.B. No. 2239, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 59-10 (S.B. No. 950, S.D. 2, H.D. 3, C.D. 1):

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 59-10 and S.B. No. 950, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 60-10 (S.B. No. 2449, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 60-10 and S.B. No. 2449, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 61-10 (S.B. No. 2019, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 61-10 and S.B. No. 2019, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAXIMUM TERM OF COMMERCIAL USE AND OPERATOR PERMITS FOR THRILL CRAFT AND PARASAILING," was deferred until Tuesday, April 27, 2010.

Conf. Com. Rep. No. 62-10 (S.B. No. 2817, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Com. Rep. No. 62-10 and S.B. No. 2817, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLAR ENERGY DEVICES," was deferred until Tuesday, April 27, 2010.

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

By unanimous consent, action on S.B. No. 2547, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," was deferred until Tuesday, April 27, 2010.

At this time, the Chair made the following announcement:

"Conference committee reports on fiscal bills must be filed in the Clerk's office by midnight tonight."

#### CONFERENCE COMMITTEE REPORTS

On motion by Senator Sakamoto, seconded by Senator Slom and carried unanimously, the Senate authorized the Clerk to receive Conference Committee Reports on Senate and House bills for Final Reading. In consequence thereof, and subsequent to its recessing at 7:48 p.m., the Senate took the following actions:

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2604, H.D. 2, presented a report (Conf. Com. Rep. No. 43-10) recommending that H.B. No. 2604, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 43-10 and H.B. No. 2604, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 865, H.D. 1, presented a report (Conf. Com. Rep. No. 44-10) recommending that H.B. No. 865, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 44-10 and H.B. No. 865, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 415, H.D. 2, presented a report (Conf. Com. Rep. No. 45-10) recommending that H.B. No. 415, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 45-10 and H.B. No. 415, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2692, H.D. 1, presented a report (Conf. Com. Rep. No. 46-10) recommending that H.B. No. 2692, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 46-10 and H.B. No. 2692, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS PLANNING," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2505, H.D. 1, presented a report (Conf. Com. Rep. No. 47-10) recommending that H.B. No. 2505, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 47-10 and H.B. No. 2505, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2157, H.D. 1, presented a report (Conf. Com. Rep. No. 48-10) recommending that H.B. No. 2157, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 48-10 and H.B. No. 2157, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 979, H.D. 1, presented a report (Conf. Com. Rep. No. 49-10) recommending that H.B. No. 979, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 49-10 and H.B. No. 979, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2084, H.D. 1, presented a report (Conf. Com. Rep. No. 50-10) recommending that H.B. No. 2084, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 50-10 and H.B. No. 2084, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FEDERAL DISPROPORTIONATE SHARE HOSPITAL FUNDS," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2473, S.D. 1, presented a report (Conf. Com. Rep. No. 99-10) recommending that S.B. No. 2473, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 99-10 and S.B. No. 2473, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2220, S.D. 1, presented a report (Conf. Com. Rep. No. 100-10) recommending that S.B. No. 2220, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 100-10 and S.B. No. 2220, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION SITES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2399, S.D. 1, presented a report (Conf. Com. Rep. No. 101-10) recommending that S.B. No. 2399, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 101-10 and S.B. No. 2399, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2601, S.D. 1, presented a report (Conf. Com. Rep. No. 102-10) recommending that S.B. No. 2601, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 102-10 and S.B. No. 2601, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATHLETIC TRAINERS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2842, S.D. 2, presented a report (Conf. Com. Rep. No. 103-10) recommending that S.B. No. 2842, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 103-10 and S.B. No. 2842, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERMITTED TRANSFERS IN TRUST ACT," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2116, S.D. 2, presented a report (Conf. Com. Rep. No. 104-10) recommending that S.B. No. 2116, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 104-10 and S.B. No. 2116, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INDEMNIFICATION OF COUNTY AGENCIES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1062, S.D. 1, presented a report (Conf. Com. Rep. No. 105-10) recommending that S.B. No. 1062, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 105-10 and S.B. No. 1062, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2883, S.D. 1, presented a report (Conf. Com. Rep. No. 106-10) recommending that S.B. No. 2883, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 106-10 and S.B. No. 2883, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 910, S.D. 1, presented a report (Conf. Com. Rep. No. 107-10) recommending that S.B. No. 910, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 107-10 and S.B. No. 910, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF HOMELESS PROGRAMS WITHIN THE DEPARTMENT OF HUMAN SERVICES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2165, S.D. 1, presented a report (Conf. Com. Rep. No. 108-10) recommending that S.B. No. 2165, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 108-10 and S.B. No. 2165, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVATE GUARDS," was deferred for a period of 48 hours.

Senator Gabbard, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2563, S.D. 1, presented a report (Conf. Com. Rep. No. 109-10) recommending that S.B. No. 2563, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 109-10 and S.B. No. 2563, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2599, S.D. 2, presented a report (Conf. Com. Rep. No. 110-10) recommending that S.B. No. 2599, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 110-10 and S.B. No. 2599, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2702, S.D. 2, presented a report (Conf. Com. Rep. No. 111-10) recommending that S.B. No. 2702, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 111-10 and S.B. No. 2702, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A MAJOR DISASTER TRUST ACCOUNT," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2716, S.D. 2, presented a report (Conf. Com. Rep. No. 112-10) recommending that S.B. No. 2716, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 112-10 and S.B. No. 2716, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2825, S.D. 1, presented a report (Conf. Com. Rep. No. 113-10) recommending that S.B. No. 2825, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 113-10 and S.B. No. 2825, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2828, S.D. 1, presented a report (Conf. Com. Rep. No. 114-10) recommending that S.B. No. 2828, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 114-10 and S.B. No. 2828, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2324, S.D. 2, presented a report (Conf. Com. Rep. No. 115-10) recommending that S.B. No. 2324, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 115-10 and S.B. No. 2324, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2691, S.D. 1, presented a report (Conf. Com. Rep. No. 116-10) recommending that S.B. No. 2691, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 116-10 and S.B. No. 2691, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF EMPLOYEES' RETIREMENT SYSTEM BENEFITS," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2054, S.D. 2, presented a report (Conf. Com. Rep. No. 117-10) recommending that S.B. No. 2054, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 117-10 and S.B. No. 2054, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2386, presented a report (Conf. Com. Rep. No. 118-10) recommending that S.B. No. 2386, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 118-10 and S.B. No. 2386, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII CAPITAL IMPROVEMENTS PROGRAM PROJECT ASSESSMENT SPECIAL FUND," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2400, S.D. 1, presented a report (Conf. Com. Rep. No. 119-10) recommending that S.B. No. 2400, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 119-10 and S.B. No. 2400, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FUNDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2603, S.D. 2, presented a report (Conf. Com. Rep. No. 120-10) recommending that S.B. No. 2603, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 120-10 and S.B. No. 2603, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2661, S.D. 2, presented a report (Conf. Com. Rep. No. 121-10) recommending that S.B. No. 2661, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 121-10 and S.B. No. 2661, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2809, S.D. 2, presented a report (Conf. Com. Rep. No. 122-10) recommending that S.B. No. 2809, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 122-10 and S.B. No. 2809, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UTILITIES REGULATION," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2395, S.D. 2, presented a report (Conf. Com. Rep. No. 123-10) recommending that S.B. No. 2395, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 123-10 and S.B. No. 2395, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2461, S.D. 2, presented a report (Conf. Com. Rep. No. 124-10) recommending that S.B. No. 2461, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 124-10 and S.B. No. 2461, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2548, S.D. 2, presented a report (Conf. Com. Rep. No. 125-10) recommending that S.B. No. 2548, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 125-10 and S.B. No. 2548, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," was deferred for a period of 48 hours.

Senator Espero, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2534, S.D. 2, presented a report (Conf. Com. Rep. No. 126-10) recommending that S.B. No. 2534, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126-10 and S.B. No. 2534, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2385, S.D. 1, presented a report (Conf. Com. Rep. No. 127-10) recommending that S.B. No. 2385, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 127-10 and S.B. No. 2385, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2068, S.D. 2, presented a report (Conf. Com. Rep. No. 128-10) recommending that S.B. No. 2068, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 128-10 and S.B. No. 2068, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2115, S.D. 1, presented a report (Conf. Com. Rep. No. 129-10) recommending that S.B. No. 2115, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 129-10 and S.B. No. 2115, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PREAUDITS FOR PROPOSED PAYMENTS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2434, S.D. 1, presented a report (Conf. Com. Rep. No. 130-10) recommending that S.B. No. 2434, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 130-10 and S.B. No. 2434, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by

the House to S.B. No. 2885, S.D. 2, presented a report (Conf. Com. Rep. No. 131-10) recommending that S.B. No. 2885, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 131-10 and S.B. No. 2885, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SAVINGS ACCOUNTS," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2491, S.D. 2, presented a report (Conf. Com. Rep. No. 132-10) recommending that S.B. No. 2491, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 132-10 and S.B. No. 2491, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2951, S.D. 2, presented a report (Conf. Com. Rep. No. 133-10) recommending that S.B. No. 2951, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 133-10 and S.B. No. 2951, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Ige, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2600, S.D. 2, presented a report (Conf. Com. Rep. No. 134-10) recommending that S.B. No. 2600, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 134-10 and S.B. No. 2600, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2173, S.D. 1, presented a report (Conf. Com. Rep. No. 135-10) recommending that S.B. No. 2173, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 135-10 and S.B. No. 2173, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2775, H.D. 2, presented a report (Conf. Com. Rep. No. 136-10) recommending that H.B. No. 2775, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 136-10 and H.B. No. 2775, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2503, H.D. 1, presented a report (Conf. Com. Rep. No. 137-10) recommending that H.B. No. 2503, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 137-10 and H.B. No. 2503, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2832, H.D. 1, presented a report (Conf. Com. Rep. No. 138-10) recommending that H.B. No. 2832, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 138-10 and H.B. No. 2832, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TARO SECURITY," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1948, H.D. 1, presented a report (Conf. Com. Rep. No. 139-10) recommending that H.B. No. 1948, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 139-10 and H.B. No. 1948, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2594, H.D. 2, presented a report (Conf. Com. Rep. No. 140-10) recommending that H.B. No. 2594, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 140-10 and H.B. No. 2594, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2583, presented a report (Conf. Com. Rep. No. 141-10) recommending that H.B. No. 2583, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 141-10 and H.B. No. 2583, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPOUNDED VESSELS," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2845, H.D. 1, presented a report (Conf. Com. Rep. No. 142-10) recommending that H.B. No. 2845, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 142-10 and H.B. No. 2845, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2441, H.D. 2, presented a report (Conf. Com. Rep. No. 143-10) recommending that H.B. No. 2441, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 143-10

and H.B. No. 2441, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2133, H.D. 1, presented a report (Conf. Com. Rep. No. 144-10) recommending that H.B. No. 2133, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 144-10 and H.B. No. 2133, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Hee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1808, H.D. 3, presented a report (Conf. Com. Rep. No. 145-10) recommending that H.B. No. 1808, H.D. 3, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 145-10 and H.B. No. 1808, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL AREAS," was deferred for a period of 48 hours.

Senator Tokuda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 347, H.D. 2, presented a report (Conf. Com. Rep. No. 146-10) recommending that H.B. No. 347, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 146-10 and H.B. No. 347, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2486, H.D. 2, presented a report (Conf. Com. Rep. No. 147-10) recommending that H.B. No. 2486, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 147-10 and H.B. No. 2486, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2542, H.D. 1, presented a report (Conf. Com. Rep. No. 148-10) recommending that H.B. No. 2542, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 148-10 and H.B. No. 2542, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NON-GENERAL FUNDS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2318, H.D. 2, presented a report (Conf. Com. Rep. No. 149-10) recommending that H.B. No. 2318, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 149-10 and H.B. No. 2318, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOMELESS," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2000, H.D. 2, presented a report (Conf. Com. Rep. No. 150-10) recommending that H.B. No. 2000, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 150-10 and H.B. No. 2000, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2200, H.D. 1, presented a report (Conf. Com. Rep. No. 151-10) recommending that H.B. No. 2200, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 151-10 and H.B. No. 2200, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2698, H.D. 2, presented a report (Conf. Com. Rep. No. 152-10) recommending that H.B. No. 2698, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 152-10 and H.B. No. 2698, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was deferred for a period of 48 hours.

Senator Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2849, S.D. 2, presented a report (Conf. Com. Rep. No. 153-10) recommending that S.B. No. 2849, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15 of the Constitution of the State of Hawai'i, action on Conf. Com. Rep. No. 153-10 and S.B. No. 2849, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 midnight, the Senate adjourned until 9:00 a.m., Monday, April 26, 2010.

#### OTHER COMMUNICATION

The following statement was read by Senate President Colleen Hanabusa at 12:08 a.m., Saturday, April 24, 2010, in Conference Room 309:

"Prior to the convening of the 2010 session, the House Speaker and I prepared an internal legislative timetable, setting April 23, 2010 as the last day to file fiscal bills to deck for Final Reading. A few weeks ago, the Speaker and I signed the Conference Committee Guidelines that provides in paragraph 11(c) that all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 23<sup>rd</sup>.

"As you know, several measures were being negotiated throughout the evening. Several Conference Committees, even though they had reached agreement on the substance of these measures, did not have the time to prepare and adequately review the reports and the final form of the Conference drafts prior to the filing deadline.

“Therefore, the Speaker and I are exercising our powers under Rule 13 of the Conference Committee Guidelines to make an exception to this deadline for the bills that were agreed to and voted upon this evening.

“The Speaker and I are granting this exception to provide the Conference members with an opportunity to ensure that the Conference Committee reports and the Conference drafts reflect the agreements reached on the evening of May 1<sup>st</sup>.

“The Speaker and I felt that since the Conferees had reached timely agreement on these bills, allowing these bills to die based on an internal procedural deadline for filing paperwork with the Clerks’ offices is not in the best interest of the people of Hawaii.

“For the bills agreed to and voted on this evening, the Clerks of the respective Chambers shall accept Conference drafts between 12:00 noon and 1:00 p.m. tomorrow, Saturday, April 24<sup>th</sup>.

“We wish to emphasize that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will follow with this measures.”