

FIFTY-NINTH DAY

Tuesday, May 3, 2011

The Senate of the Twenty-Sixth Legislature of the State of Hawai'i, Regular Session of 2011, convened at 9:10 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

HOUSE COMMUNICATION

The following communication from the House (Hse. Com. No. 695) was read by the Clerk and was placed on file:

Hse. Com. No. 695, informing the Senate that on April 29, 2011, the House reconsidered its action taken on April 14, 2011, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 318, H.D. 2 (S.D. 2);
H.B. No. 404, H.D. 1 (S.D. 1);
H.B. No. 773, H.D. 1 (S.D. 1);
H.B. No. 953, H.D. 2 (S.D. 1);
H.B. No. 968, H.D. 1 (S.D. 1);
H.B. No. 1009, H.D. 2 (S.D. 2);
H.B. No. 1036, H.D. 1 (S.D. 2);
H.B. No. 1313, H.D. 2 (S.D. 1); and
H.B. No. 1532, H.D. 2 (S.D. 2).

At 9:11 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:12 a.m.

CONFERENCE COMMITTEE REPORT

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. 120, S.D. 1, presented a report (Conf. Com. Rep. No. 144) recommending that S.B. No. 120, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

Senator Ige then offered the following amendment (Floor Amendment No. 8) to S.B. No. 120, S.D. 1, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by deleting Section 2 and replacing it with new language to read as follows:

“SECTION 2. On July 1, 2011:

- (1) All moneys in the travel agency recovery fund and the travel agency education fund, as of June 30, 2011, shall be transferred to the general fund of the State of Hawaii; and
- (2) The travel agency recovery fund and the travel agency education fund shall cease to exist.”

SECTION 2. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by amending the language in Part III, relating to fund transfers, by replacing in each instance, the phrase, “On July 1, 2011,” with “until June 30, 2011,” and the phrase “fiscal year 2011-2012” with “fiscal year 2010-2011”.

SECTION 3. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by changing the amount identified and authorized to be transferred in Section 23 from \$1,500,000 to \$4,200,000.

SECTION 4. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by deleting Section 30.

SECTION 5. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by adding two new sections to Part III to read as follows:

“SECTION 37. The legislature determines that there is in the captive insurance administrative fund at least \$2,500,000 in excess of the requirements of the fund. Until June 30, 2011, the director of finance is authorized to transfer from the captive insurance administrative fund to the general fund the sum of \$2,500,000 or so much thereof as may be necessary for fiscal year 2010-2011.

SECTION 38. The legislature determines that there is in the health care revolving fund at least \$916,284 in excess of the requirements of the fund. Until June 30, 2011, the director of finance is authorized to transfer from the health care revolving fund to the general fund the sum of \$916,284 or so much thereof as may be necessary for fiscal year 2010-2011.”

SECTION 6. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by adding two new sections to Part V to read as follows:

“SECTION 56. Part XIII of chapter 346, Hawaii Revised Statutes, is repealed.

SECTION 57. Part XV of chapter 346, Hawaii Revised Statutes, is repealed.”

SECTION 7. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by amending Section 58 to change the phrase “On July 1, 2011,” to “By July 1, 2011”.

SECTION 8. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by changing the effective date of the bill from July 1, 2011 to upon approval.

SECTION 9. Senate Bill No. 120, S.D. 1, H.D. 1, C.D. 1, is amended by renumbering the sections of the bill accordingly.

Senator Ige moved that Floor Amendment No. 8 be adopted, seconded by Senator Kidani.

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

“The floor amendment corrects a couple of technical errors in SB120. It essentially the Senate draft increasing the amounts that could be transferred to the general fund to help balance the budget.”

The motion to adopt Floor Amendment No. 8 was put by the Chair and carried.

Senator Ige moved that Conf. Com. Rep. No. 144 be received and placed on file, seconded by Senator Kidani and carried.

By unanimous consent, S.B. No. 120, S.D. 1, H.D. 1, C.D. 2, entitled: “A BILL FOR AN ACT RELATING TO STATE FUNDS,” was placed on the calendar for Final Reading on Thursday, May 5, 2011.

STANDING COMMITTEE REPORTS

Senator Tokuda, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1406) recommending that the Senate advise and consent to the nominations to the University of Hawai'i Board of Regents of the following:

SAEDENE K. OTA, in accordance with Gov. Msg. No. 662;

CORALIE C. MATAYOSHI, in accordance with Gov. Msg. No. 663; and

JAN N. SULLIVAN, in accordance with Gov. Msg. No. 664.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1406 and Gov. Msg. Nos. 662, 663 and 664 was deferred until Thursday, May 5, 2011.

Senator Dela Cruz, for the Committee on Water, Land, and Housing, presented a report (Stand. Com. Rep. No. 1407) recommending that S.R. No. 104, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1407 and S.R. No. 104, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING AN ANNUAL EVALUATION OF THE GOVERNOR'S SIX-YEAR STATE PROGRAM AND FINANCIAL PLAN FOR INFORMATION TO PROMOTE AND GUIDE JOB GROWTH," was deferred until Thursday, May 5, 2011.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTERS DEFERRED FROM WEDNESDAY, APRIL 27, 2011

Stand. Com. Rep. No. 1354 (Gov. Msg. No. 584):

Senator Baker moved that Stand. Com. Rep. No. 1354 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of KENNETH M. HOVANIAN to the Elevator Mechanics Licensing Board, term to expire June 30, 2014, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominee as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1355 (Gov. Msg. Nos. 595 and 670):

Senator Baker moved that Stand. Com. Rep. No. 1355 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Acupuncture of the following:

MIKE HASHIMOTO, term to expire June 30, 2015 (Gov. Msg. No. 595); and

MICHAEL HOWDEN, term to expire June 30, 2015 (Gov. Msg. No. 670),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominees as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1356 (Gov. Msg. Nos. 628, 674 and 676):

Senator Baker moved that Stand. Com. Rep. No. 1356 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

PAUL MURRAY, term to expire June 30, 2015 (Gov. Msg. No. 628);

DEMETRIO Y. CONSTANTINO, term to expire June 30, 2014 (Gov. Msg. No. 674); and

JAY T. MANZANO, term to expire June 30, 2015 (Gov. Msg. No. 676),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominees as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1357 (Gov. Msg. Nos. 633, 634 and 635):

Senator Baker moved that Stand. Com. Rep. No. 1357 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

CRAIG K. HIRAI, term to expire June 30, 2015 (Gov. Msg. No. 633);

NELSON LAU, term to expire June 30, 2015 (Gov. Msg. No. 634); and

KEITH REGAN, term to expire June 30, 2015 (Gov. Msg. No. 635),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominees as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1358 (Gov. Msg. No. 668):

Senator Baker moved that Stand. Com. Rep. No. 1358 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of GERALD J. SILVA to the Cable Advisory Committee, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 780), seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1359 (Gov. Msg. No. 669):

Senator Baker moved that Stand. Com. Rep. No. 1359 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of STEPHEN M. TANNENBAUM to the Board of Directors of the Hawai‘i Hurricane Relief Fund, term to expire June 30, 2013, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and

discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1360 (Gov. Msg. No. 630):

Senator Baker moved that Stand. Com. Rep. No. 1360 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of STANLEY T. MASAMITSU to the Motor Vehicle Industry Licensing Board, term to expire June 30, 2015, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1361 (Gov. Msg. No. 632):

Senator Baker moved that Stand. Com. Rep. No. 1361 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ROBERT K. YANABU to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, term to expire June 30, 2014, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are

excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1362 (Gov. Msg. No. 636):

Senator Baker moved that Stand. Com. Rep. No. 1362 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WENDY MIKI GLAUS to the State Board of Public Accountancy, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 789), seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1363 (Gov. Msg. No. 637):

Senator Baker moved that Stand. Com. Rep. No. 1363 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of AMY S. MURAI to the State Board of Nursing, term to expire June 30, 2014, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1364 (Gov. Msg. No. 671):

Senator Baker moved that Stand. Com. Rep. No. 1364 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of MARK A. BAIRD to the Board of Dental Examiners, term to expire June 30, 2015, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominee as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1365 (Gov. Msg. Nos. 672 and 673):

Senator Baker moved that Stand. Com. Rep. No. 1365 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

VERNON TA’A, term to expire June 30, 2015 (Gov. Msg. No. 672); and

RANDALL T. KAYA, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 789). (Gov. Msg. No. 673),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

“Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They’re all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees.”

Senator Solomon rose in support of the nominees as follows:

“As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1366 (Gov. Msg. Nos. 678, 679, 680 and 681):

Senator Baker moved that Stand. Com. Rep. No. 1366 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Hawai'i Medical Board of the following:

GERARD K. AKAKA, term to expire June 30, 2015 (Gov. Msg. No. 678);

SHARON BINTLIFF, term to expire June 30, 2015 (Gov. Msg. No. 679);

PETER C. CHIN, term to expire June 30, 2015 (Gov. Msg. No. 680); and

PALASI PULETASI, term to expire June 30, 2015 (Gov. Msg. No. 681),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominees as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1367 (Gov. Msg. Nos. 682, 683 and 684):

Senator Baker moved that Stand. Com. Rep. No. 1367 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Pharmacy of the following:

CAROLYN S. J. MA, term to expire June 30, 2015 (Gov. Msg. No. 682);

RICHARD MINATOYA, term to expire June 30, 2015 (Gov. Msg. No. 683); and

ROSE TSENG, term to expire June 30, 2015 (Gov. Msg. No. 684),

seconded by Senator Taniguchi.

Senator Baker rose in support of the nominees as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominees as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1368 (Gov. Msg. No. 685):

Senator Baker moved that Stand. Com. Rep. No. 1368 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of GEOFFREY REYNOLDS to the Board of Examiners in Optometry, term to expire June 30, 2014 (term amended to June 30, 2015 by Gov. Msg. No. 780), seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominee as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1369 (Gov. Msg. No. 686):

Senator Baker moved that Stand. Com. Rep. No. 1369 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RACHELLE IOPA to the Board of Physical Therapy, term to expire June 30, 2015, seconded by Senator Taniguchi.

Senator Baker rose in support of the nominee as follows:

"Colleagues, your Committee on Commerce and Consumer Protection had an opportunity to meet with these nominees and discuss their qualifications. They are all eminently qualified to serve on these boards as licensee representatives or members of the public. They're all eager and willing to step to the plate and lend their expertise and their time. I encourage all of my colleagues to vote for these nominees."

Senator Solomon rose in support of the nominee as follows:

"As a member of CPN, I just would like to support the remarks of the chairwoman. I feel, likewise, that these are excellent nominees and looking forward to working with them. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1370 (Gov. Msg. Nos. 698, 699, 700, 701, 702, 703 and 704):

Senator Tokuda moved that Stand. Com. Rep. No. 1370 be received and placed on file, seconded by Senator Kidani and carried.

Senator Tokuda then moved that the Senate advise and consent to the nominations to the Hawai'i Commission for National and Community Service of the following:

JOHN ANDERSON, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 698);

JANICE BOND, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 699);

DENNIS DUNN, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 700);

LISA A. DUNN, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 701);

PATRICIA L. MASTERS, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 702);

DARIN SHIGETA, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 703); and

CHARLOTTE TOWNSEND, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 779). (Gov. Msg. No. 704),

seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1371 (Gov. Msg. Nos. 553, 554, 555, 556, 557 and 558):

Senator Galuteria moved that Stand. Com. Rep. No. 1371 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

IMAIKALANI PATRICK AIU, term to expire June 30, 2015 (term amended to June 30, 2013 by Gov. Msg. No. 576). (Gov. Msg. No. 553);

PERRY O. ARTATES, term to expire June 30, 2015 (Gov. Msg. No. 554);

JEREMY KAMAKANEALOHA HOPKINS, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 576). (Gov. Msg. No. 555);

MICHAEL PUAMAMO KAHIKINA, term to expire June 30, 2015 (Gov. Msg. No. 556);

IAN LEE LOY, term to expire June 30, 2015 (term amended to June 30, 2013 by Gov. Msg. No. 576). (Gov. Msg. No. 557); and

RENWICK VALENTINE ILI'ILIPUNA TASSILL, term to expire June 30, 2015 (Gov. Msg. No. 558),

seconded by Senator Ryan.

Senator Galuteria rose in support of the nominees as follows:

"Your Committee on Hawaiian Affairs has reviewed the personal histories, resumes, and statements of the Governor's Messages Nos. 553 through 558, Imaikalani Aiu, Perry Artates, Kama Hopkins, Michael Kahikina, Ian Lee Loy, but what

puzzles us the most is Uncle Joe Tassill's name. We did not realize that we can now call him 'Uncle Renwick Valentine Tassill.' So, in full support. Thank you, Mr. President."

Senator Ryan rose in support of the nominees as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1372 (Gov. Msg. Nos. 559 and 731):

Senator Galuteria moved that Stand. Com. Rep. No. 1372 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nominations to the Island Burial Council Island of O'ahu of the following:

CHARLES ANDREW EHRHORN, term to expire June 30, 2015 (Gov. Msg. No. 559); and

JONATHAN L. SCHEUER, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 780). (Gov. Msg. No. 731),

seconded by Senator Ryan.

Senator Galuteria rose in support of the nominees as follows:

"I also want to follow-up on what the good Senator from Central O'ahu spoke to and that would be land development, because three of our nominees today, Charles Ehrhorn, Jonathan Sheuer, and Edwin Miranda, have been put up for consideration for the Island Burial Council, and they will work closely with the Land Use Commission, and we appreciate their stepping up. Thank you, Mr. President."

Senator Ryan rose in support of the nominees as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1373 (Gov. Msg. No. 729):

Senator Galuteria moved that Stand. Com. Rep. No. 1373 be received and placed on file, seconded by Senator Ryan and carried.

Senator Galuteria then moved that the Senate advise and consent to the nomination of EDWIN L.P. MIRANDA to the Island Burial Council, Island of Hawai'i, term to expire June 30, 2014, seconded by Senator Ryan.

Senator Galuteria rose in support of the nominee as follows:

"I also want to follow-up on what the good senator from Central O'ahu spoke to and that would be land development, because three of our nominees today, Charles Ehrhorn, Jonathan Sheuer, and Edwin Miranda, have been put up for consideration for the Island Burial Council, and they will work closely with the Land Use Commission, and we appreciate their stepping up. Thank you, Mr. President."

Senator Ryan rose in support of the nominee as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1374 (Gov. Msg. No. 591):

Senator Espero moved that Stand. Com. Rep. No. 1374 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of DAVID HEAUKULANI to the Corrections Population Management Commission, term to expire June 30, 2012, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1375 (Gov. Msg. No. 733):

Senator Espero moved that Stand. Com. Rep. No. 1375 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of MARI A. MCCAIG to the Crime Victim Compensation Commission, term to expire June 30, 2015, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1376 (Gov. Msg. Nos. 746 and 747):

Senator Espero moved that Stand. Com. Rep. No. 1376 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Correctional Industries Advisory Committee of the following:

DENISE J. JOHNSTON, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 780). (Gov. Msg. No. 746); and

THEODORE SAKAI, term to expire June 30, 2014 (Gov. Msg. No. 747),

seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1377 (Gov. Msg. Nos. 748, 749 and 750):

Senator Espero moved that Stand. Com. Rep. No. 1377 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Hawai'i Paroling Authority of the following:

JOYCE K. MATSUMORI-HOSHIO, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 783). (Gov. Msg. No. 748);

BERT Y. MATSUOKA, term to expire June 30, 2012 (Gov. Msg. No. 749); and

MICHAEL A. TOWN, term to expire June 30, 2014 (term amended to June 30, 2015 by Gov. Msg. No. 778). (Gov. Msg. No. 750),

seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1378 (Gov. Msg. No. 752):

Senator Kim moved that Stand. Com. Rep. No. 1378 be received and placed on file, seconded by Senator Kouchi and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of CRAIG NAKAMURA to the Board of Directors of the Hawai'i Tourism Authority, term to expire June 30, 2014, seconded by Senator Kouchi.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1379 (Gov. Msg. No. 753):

Senator Ige moved that Stand. Com. Rep. No. 1379 be received and placed on file, seconded by Senator Kidani and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of DARRYL NITTA to the Tax Review Commission, term to expire June 30, 2015, seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1380 (Gov. Msg. No. 560):

Senator Hee moved that Stand. Com. Rep. No. 1380 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of KEN HIDESHI TAKAYAMA to the Commission to Promote Uniform Legislation, term to expire June 30, 2015, seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1381 (Gov. Msg. Nos. 561 and 562):

Senator Hee moved that Stand. Com. Rep. No. 1381 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

ALFRED C. LARDIZABAL, term to expire June 30, 2015 (Gov. Msg. No. 561); and

HAROLD P. MCDERMOTT, term to expire June 30, 2015 (Gov. Msg. No. 562),

seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1382 (Gov. Msg. Nos. 589 and 732):

Senator Hee moved that Stand. Com. Rep. No. 1382 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

LINDA H. KRIEGER, term to expire June 30, 2015 (Gov. Msg. No. 589); and

RAYMUND LIONGSON, term to expire June 30, 2015 (Gov. Msg. No. 732),

seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1383 (Gov. Msg. Nos. 622, 623 and 624):

Senator Hee moved that Stand. Com. Rep. No. 1383 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

CARMILLE L. LIM, term to expire June 30, 2015 (Gov. Msg. No. 622);

AMY Y. MONK, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 789). (Gov. Msg. No. 623); and

LISA ELLEN SMITH, term to expire June 30, 2015 (Gov. Msg. No. 624),

seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1384 (Gov. Msg. No. 734):

Senator Hee moved that Stand. Com. Rep. No. 1384 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JANICE YAMADA to the Interstate Compact for Juveniles, term to expire June 30, 2014, seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1385 (Gov. Msg. Nos. 735, 736 and 737):

Senator Hee moved that Stand. Com. Rep. No. 1385 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

WAYNE L. CHU, term to expire June 30, 2015 (Gov. Msg. No. 735);

NEAL MIYAHIRA, term to expire June 30, 2014 (Gov. Msg. No. 736); and

DENNIS L. VANAIRSDALE, term to expire June 30, 2015 (term amended to June 30, 2012 by Gov. Msg. No. 789) (Gov. Msg. No. 737),

seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1386 (Gov. Msg. Nos. 739 and 740):

Senator Hee moved that Stand. Com. Rep. No. 1386 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

ANTONIO J. SAGUIBO, term to expire June 30, 2015 (Gov. Msg. No. 739); and

MARIAN TSUJI, term to expire June 30, 2015 (Gov. Msg. No. 740),

seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1387 (Gov. Msg. No. 775):

Senator Hee moved that Stand. Com. Rep. No. 1387 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of LESLIE WILKINS to the Commission on

the Status of Women, term to expire June 30, 2015, seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1388 (Gov. Msg. No. 510):

Senator Hee moved that Stand. Com. Rep. No. 1388 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of DAVID M. LOUIE as the Attorney General of the Department of the Attorney General, term to expire December 1, 2014, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

“Members, Mr. Louie is qualified. He’s a lawyer. He is someone who has served as president of the bar which suggests that he has interests beyond his private practice. He has been engaged with all of us this session. He has offered opinions that have been helpful, not the least of which is the Senate’s position on pensions. It was an unsolicited opinion, but nonetheless one which helped shape the policy on pensions on this blue carpet. He is someone who will serve government, will represent the Governor, will serve as others have served. Your committee finds that he is a good organizer, thorough in his approach to the law and the representation of clients. He understands and will be committed to discharging the responsibilities and duties of the Attorney General in representing the interests of the people of the State of Hawai‘i and to providing advice and counsel to Governor Abercrombie, as well as the heads of various state departments, the legislature, and the judiciary. Thank you, Mr. President.”

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Attorney General David Louie and his family who were seated in the gallery.

Stand. Com. Rep. No. 1389 (Jud. Com. No. 1):

Senator Hee moved that Stand. Com. Rep. No. 1389 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of EDMUND D. ACOBA to the District Court of the Fifth Circuit, State of Hawai‘i, for a term of six years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

“Mr. President and colleagues, as some of you are well aware, I have spent a lot of time, as well as many of you, reviewing various individuals to serve in the dispensing of justice in the State of Hawai‘i. Most of you know that on those occasions where I have felt that the nominee may not have been qualified, I have not been reluctant to express my opinion, sometimes, as a member of the minority when the vote is taken. I want to say as we embark on several nominees for district court judge, I want to say this in general, in my years of serving as a member of the Senate and as chair of the Judiciary, I have never been privileged to serve as a member of the Judiciary Committee with the nominees who would be rising to the district court bench in total.

“These young men and women who we are about to sit in judgment in confirmation, in my view, are among the brightest young minds and among the most committed to public service

that we will have the opportunity to consent. They are, as a group, wholly committed to public service. They are as sharp as any tack that I have been privileged to interview personally and as a committee. They, in my view, exemplify the best, the absolute best, of young lawyers who aspire to serve as judges that I have been privileged to be a part of. You know, in the mid-1980s when I was Judiciary chairman of the Senate, I once introduced a bill that required judges to take the bar exam, and as you might imagine the blowback from the senior bench was ‘memorable.’ I have no doubt, I have absolutely no doubt, that if these young men and women were asked to take the bar, while they may be reluctant, they would pass the bar with flying colors. Although they will serve as district court judges, I have no doubt they understand the difference between the Hawai‘i Constitution and the United States Constitution. I have no doubt that they understand the separation of powers between church and state, no doubt that they understand the separation between the judiciary branch of government and the legislative branch of government. I have no doubt that these individuals understand protected classes in Hawai‘i.

“So, as we embark, the first individual is Edmund Acoba. He is, quite simply, a committed public defender who has on five occasions made the short list but for whatever reason was not selected by past governors. He is not without his faults, and he recognizes them to the point, quite frankly, it was TMI (too much information) for me, but he’s not the first. But it demonstrates that he is an open book, and like all of us, he has very good points and he has some that he wishes not to be mentioned. Mr. Acoba will be a very fine judge whose first priority will be to serve with dignity, with honor, in the dispensing of justice. Members, I would ask your favorable consideration on the first of several young men and women to be district court judge. Thank you, Mr. President.”

Senator Kouchi rose in support of the nominee as follows:

“Edmund Acoba has served the people of Kaua‘i and the people of the State of Hawai‘i for many years as a public defender on Kaua‘i. He has given countless hours of his time to help support youth activities on Kaua‘i, to help lead our kids in the right direction. One of the fantastic skills he had is writing grants, where he was able to secure significant funding for youth programs and activities, help teams travel to the mainland, get the best equipment to ensure their safety and the pride in which they participate in the activities. I’ve even had the opportunity, when he was in high school, to coach him in youth baseball one year where we took third place in the states. He is an excellent athlete, a great father, and a great volunteer in our community. I, like Senator Hee, believe he will be a fantastic judge. His qualities must shine through because in all of his visits to the Senate to seek our support, at no time did he bring his dad’s pork and peas which is widely renown on Kaua‘i. And, so, I also urge my colleagues to please join in supporting Edmund Acoba to the 5th District Court, and maybe someday the pork and peas will be seen here, Mr. President. Thank you.”

Senator Ryan rose in support of the nominee as follows:

“I’d like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I’d like to say to all the nominees, both paid and unpaid, ‘welcome to our world. I hope it’s a good one.’ But I’d like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho‘olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha.”

Senator Baker rose in support of the nominee as follows:

“Perhaps, one would think that somebody from a neighbor island does not really care about what judges are appointed to the First Circuit, but I think it’s important that all of our judges, no matter which circuit or which district they serve, have an opportunity to be good role models, and I think in these judicial nominees we have excellent role models. I am delighted that when I asked them about their interest in making sure that victims of domestic violence were treated fairly by the judicial system and were treated in a way that showed some compassion for their situation, they were all well-aware. We have a number of individuals who experienced the challenges of being in single parent households, and they had an opportunity to share how their background and upbringing really shaped some of their views. Also I’m delighted that two of our nominees are women because women bring a different approach and a different style to not only legislative activities but to the bench as well. I know they’re going to serve our communities very well from the bench. I’m delighted that they’re part of our judiciary. Thank you.”

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Acoba and his family and friends who were seated in the gallery.

Stand. Com. Rep. No. 1390 (Jud. Com. No. 2):

Senator Hee moved that Stand. Com. Rep. No. 1390 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of DEAN E. OCHIAI to the District Court of the First Circuit, State of Hawai‘i, for a term of six years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

“I would like to discuss with you, just for a brief moment, members, Dean Ochiai, who at least in terms of longevity on this earth, is the senior member of the crop of district court judges. He, like the rest, is enthusiastic, bright, knowledgeable. Mr. Ochiai being the senior member in terms of years of service, has the greatest depth in terms of working, having spent years, more recently, not only in private practice, but as a lawyer for one of the largest insurance firms in the state. Mr. Ochiai will serve with great honor and dignity, and I would encourage and ask of your kind consideration, members, in consenting to the nomination of Dean Ochiai as District Court Judge of the First Circuit. Thank you.”

Senator Taniguchi rose in support of the nominee as follows:

“I’m very happy that Dean has been nominated by the Governor to serve as a district court judge. I believe he’ll make a very good judge. I guess I want to believe that his service for me in my first year as a legislator had a big impact on his life, but that’s probably not true, and as a matter of fact, I think he’s done very well in spite of it. So, anyway, I ask my colleagues to please support Dean. Thank you.”

Senator Ryan rose in support of the nominee as follows:

“I’d like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I’d like to say to all the nominees, both paid and unpaid, ‘welcome to our world. I hope it’s a good one.’ But I’d like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho‘olawe Island Reserve Commission nominee, Burial Council nominees, and

Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha.”

Senator Baker rose in support of the nominee as follows:

“Perhaps, one would think that somebody from a neighbor island does not really care about what judges are appointed to the First Circuit, but I think it’s important that all of our judges, no matter which circuit or which district they serve, have an opportunity to be good role models, and I think in these judicial nominees we have excellent role models. I am delighted that when I asked them about their interest in making sure that victims of domestic violence were treated fairly by the judicial system and were treated in a way that showed some compassion for their situation, they were all well-aware. We have a number of individuals who experienced the challenges of being in single parent households, and they had an opportunity to share how their background and upbringing really shaped some of their views. Also I’m delighted that two of our nominees are women because women bring a different approach and a different style to not only legislative activities but to the bench as well. I know they’re going to serve our communities very well from the bench. I’m delighted that they’re part of our judiciary. Thank you.”

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Ochiai and his family and friends who were seated in the gallery.

Stand. Com. Rep. No. 1391 (Jud. Com. No. 3):

Senator Hee moved that Stand. Com. Rep. No. 1391 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of LANSON K. KUPAU to the District Court of the First Circuit, State of Hawai‘i, for a term of six years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

“I remarked to Chief Justice Recktenwald on the appointments of these members as district court judge that what a fine process he must have went through to bring members from the public who wish to serve as district court judge. And Chief Justice Recktenwald said he was confident that all of them would serve with honor to the people of Hawai‘i. Lanson Kupau is one of those. I would like to share with you, members, that perhaps Mr. Kupau’s evaluation may have been the most problematic and that is because he received a few (two or three) anonymous letters that suggested that he was not qualified to serve as district court judge, and Mr. Kupau went through great pains and efforts to express to me personally and perhaps to the other members of the committee some of the concerns that were reflected in the anonymous emails that I received and no doubt the others have received. I have as well as I think most of you have never put too much behind anonymity when it comes from the public on nominations. On the other hand, I appreciate that there are some who do so out of some preconceived fear that the nominee may be the next judge and may hold a grudge against this individual or individuals. I want to say without reservation that Mr. Kupau’s strong concern about the nature of the submittals to the committee was such that we had several meetings, and he felt so strongly that he wanted me to be sure that these communications were a part of the public record, and that is why I am sharing them as a part of the public record. This is what struck me about this particular individual. As we sat and discussed his qualifications, I offhandedly said to him,

as others have said to me, 'As a young Hawaiian, you have broad shoulders upon which future generations will stand upon, that as a young Hawaiian, where you plant yourself, others will pivot off of. As a young Hawaiian, what you do will be reflected not only on you and your parents, on your children, but all Hawaiians. He looked at me square in the eye and said, 'Senator, I'm also Samoan.' How's that? How's that? We grew up at a time when it was not good to be Hawaiian. And if that was not good enough, just imagine what it was to be Samoan. Mr. Kupau exemplifies all that is good in being a Pacific Islander. He understands that we are one ocean, one people. Mr. Kupau will, in my view, serve the State of Hawai'i as a young Hawaiian, who is part Samoan, whose shoulders are broad enough to carry the people of Hawai'i.

"The other aspect I wish to share with you about Mr. Kupau is his humility and devotion to his father and his mother. All of us, from time to time, in judgment of others have heard the nominees' remark about the devotion to their parents. Mr. Ochiai did that. Mr. Acoba did that. Mr. Kupau is very devoted to his father, a former police officer, who set the template of life on how to behave as a human being in service to others. He is devoted to his mother, who sat beside his father as his father is now ill, and he made no reservations about his love for his mother, and his father, and his three young children. That is part of, in my view, being of one ocean and one people. Like the others, I have absolute confidence that Mr. Kupau will serve the judiciary and the people of Hawai'i with the greatest of dignity, and like the others, I believe someday this is but the first step in the ladder of judicial advancement. Colleagues, with great humility, I ask for your consent to the nomination of Lanson Kupau as District Court Judge to the First Circuit. Thank you."

Senator Ryan rose in support of the nominee as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

Senator Baker rose in support of the nominee as follows:

"Perhaps, one would think that somebody from a neighbor island does not really care about what judges are appointed to the First Circuit, but I think it's important that all of our judges, no matter which circuit or which district they serve, have an opportunity to be good role models, and I think in these judicial nominees we have excellent role models. I am delighted that when I asked them about their interest in making sure that victims of domestic violence were treated fairly by the judicial system and were treated in a way that showed some compassion for their situation, they were all well-aware. We have a number of individuals who experienced the challenges of being in single parent households, and they had an opportunity to share how their background and upbringing really shaped some of their views. Also I'm delighted that two of our nominees are women because women bring a different approach and a different style to not only legislative activities but to the bench as well. I know they're going to serve our communities very well from the bench. I'm delighted that they're part of our judiciary. Thank you."

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Kupau and his family and friends who were seated in the gallery.

Stand. Com. Rep. No. 1392 (Jud. Com. No. 4):

Senator Hee moved that Stand. Com. Rep. No. 1392 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of MELANIE MITO MAY to the District Court of the First Circuit, State of Hawai'i, for a term of six years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

"Colleagues, Melanie Mito May is perhaps the most clever of the group. She is a Kaiser High School graduate, lives in Hawai'i Kai down the road from her parents and down the road from her in-laws. And that is not why she is clever, but that smile on her face, which does not leave, even when asked what weaknesses she might see in judges today is deflected by her cleverness and her conciliatory remarks for all judges who serve to the best of their ability. She, perhaps more than the others, was an absolute joy for me personally to interview because no matter how I tried to dodge and weave, she reminded me that I'm too old to dodge and weave with someone as clever as Melanie Mito May. She, like the others, is a terrific student of the judiciary. She is bright. She will serve the First Circuit with great honor, with great dignity. I can see why the Chief Justice said to me, when I remarked about the group, why these were easy selections. I urge your consent to the nomination of Melanie Mito May as District Court Judge for the First Circuit."

Senator Ryan rose in support of the nominee as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

Senator Baker rose in support of the nominee as follows:

"Perhaps, one would think that somebody from a neighbor island does not really care about what judges are appointed to the First Circuit, but I think it's important that all of our judges, no matter which circuit or which district they serve, have an opportunity to be good role models, and I think in these judicial nominees we have excellent role models. I am delighted that when I asked them about their interest in making sure that victims of domestic violence were treated fairly by the judicial system and were treated in a way that showed some compassion for their situation, they were all well-aware. We have a number of individuals who experienced the challenges of being in single parent households, and they had an opportunity to share how their background and upbringing really shaped some of their views. Also I'm delighted that two of our nominees are women because women bring a different approach and a different style to not only legislative activities but to the bench as well. I know they're going to serve our communities very well from the bench. I'm delighted that they're part of our judiciary. Thank you."

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Mito May and her family who were seated in the gallery.

Stand. Com. Rep. No. 1393 (Jud. Com. No. 5):

Senator Hee moved that Stand. Com. Rep. No. 1393 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate consent to the nomination of CATHERINE H. REMIGIO to the District Family Court of the First Circuit, State of Hawai'i, for a term of six years, seconded by Senator Shimabukuro.

Senator Hee rose in support of the nominee as follows:

"Members, the last of the group... And you know before we get started, I meant to mention this earlier: I'm not sure, Mr. President, why it was you who set the men before the women. Were it me, the women who've went first, but I'm sure you had your reasons.

"Catherine Remigio is a graduate of the Kamehameha Schools. That's where the similarity between Catherine Remigio and Clayton Hee ends. She is without question, in my opinion, during the nomination process, the most focused of the five. She, in my opinion, is the most no-nonsense of the five. In my opinion, her opinion was the right opinion. She struck me as someone who was very confident in her responses. I would presume that that confidence would transfer to the bench and that confidence will show itself in her judgment and reading of the law. She, more than the others, and only because I asked her, was quite familiar with the difference between protected classes and also the difference between the constitutions of Hawai'i and the United States. She is a product of a single parent; she was raised by her father primarily, but was quick to note that, when we had the public hearing, that her mother and her father arrived in the same vehicle. She is grateful for the opportunity to serve the public and, in my opinion, she will serve the judiciary and the public with great dignity, with great honor, as will her four colleagues in the class of 2011. I urge your favorable consent to the nomination of Catherine Remigio as district court judge. Thank you, Mr. President."

Senator Espero rose in support of the nominee as follows:

"Most importantly, colleagues, she's from the dynamic, changing community of 'Ewa Beach and we do not have judges from 'Ewa Beach. So, we are proud to have her on the bench. She also is a Kamehameha graduate. But there's also a Filipina side of her, and we have very few Filipina judges, and we know she will serve well. Thank you very much."

Senator Ryan rose in support of the nominee as follows:

"I'd like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I'd like to say to all the nominees, both paid and unpaid, 'welcome to our world. I hope it's a good one.' But I'd like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho'olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha."

Senator Baker rose in support of the nominee as follows:

"Perhaps, one would think that somebody from a neighbor island does not really care about what judges are appointed to the First Circuit, but I think it's important that all of our judges, no matter which circuit or which district they serve, have an opportunity to be good role models, and I think in these judicial nominees we have excellent role models. I am delighted that

when I asked them about their interest in making sure that victims of domestic violence were treated fairly by the judicial system and were treated in a way that showed some compassion for their situation, they were all well-aware. We have a number of individuals who experienced the challenges of being in single parent households, and they had an opportunity to share how their background and upbringing really shaped some of their views. Also I'm delighted that two of our nominees are women because women bring a different approach and a different style to not only legislative activities but to the bench as well. I know they're going to serve our communities very well from the bench. I'm delighted that they're part of our judiciary. Thank you."

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

Ayes, 25. Noes, none.

At this time, Senator Hee introduced Judge Remigio and her family and friends who were seated in the gallery.

Stand. Com. Rep. No. 1394 (Gov. Msg. No. 741):

Senator Hee moved that Stand. Com. Rep. No. 1394 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of ROCK B. LEY to the Hawai'i Labor Relations Board, term to expire June 30, 2017 (term amended to June 30, 2016 by Gov. Msg. No. 780), seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1395 (Gov. Msg. No. 742):

Senator Hee moved that Stand. Com. Rep. No. 1395 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of SESNITA A. D. MOEPONO to the Hawai'i Labor Relations Board, term to expire June 30, 2017, seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1396 (Gov. Msg. No. 743):

Senator Hee moved that Stand. Com. Rep. No. 1396 be received and placed on file, seconded by Senator Shimabukuro and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of RUTH E. MABANGLO to the Language Access Advisory Council, term to expire June 30, 2015, seconded by Senator Shimabukuro.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1397 (Gov. Msg. Nos. 590 and 745):

Senator Espero moved that Stand. Com. Rep. No. 1397 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Advisory Board on Veterans' Services of the following:

MICHAEL GOLOJUCH, term to expire June 30, 2015 (Gov. Msg. No. 590); and

PETER YUKIMURA, term to expire June 30, 2015 (Gov. Msg. No. 745),

seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1398 (Gov. Msg. Nos. 645 and 744):

Senator Espero moved that Stand. Com. Rep. No. 1398 be received and placed on file, seconded by Senator Kidani and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Civil Defense Advisory Council of the following:

RAYMOND JARDINE JR., term to expire June 30, 2014 (Gov. Msg. No. 645); and

COLTON CHING, term to expire June 30, 2015 (Gov. Msg. No. 744),

seconded by Senator Kidani.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1399 (Gov. Msg. No. 756):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1399 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of PAUL KYNO to the Board of Directors of the Hawai'i Housing Finance and Development Corporation, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 778), seconded by Senator Solomon.

Senator Kouchi rose in support of the nominee and introduced Paul Kyno, who was seated in the gallery, to the members of the Senate.

Senator Dela Cruz rose in support of the nominee as follows:

"I'd just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai'i. Land use is such an important part of how we're going to ensure that Hawai'i is globally competitive, and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you."

Senator Solomon rose in support of the nominee as follows:

"Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody's there in the gallery that's here in celebration of this great vote, that they would please stand. I'm not too sure if anyone's there, but if they are, please stand to be recognized. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1400 (Gov. Msg. Nos. 567, 568 and 757):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1400 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the Land Use Commission of the following:

ERNEST MATSUMURA, term to expire June 30, 2015 (term amended to June 30, 2013 by Gov. Msg. No. 575) (Gov. Msg. No. 567);

CHAD M. MCDONALD, term to expire June 30, 2015 (Gov. Msg. No. 568); and

JAYE NAPUA MAKUA, term to expire June 30, 2013 (term amended to June 30, 2014 by Gov. Msg. No. 780) (Gov. Msg. No. 757),

seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominees as follows:

"I'd just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai'i. Land use is such an important part of how we're going to ensure that Hawai'i is globally competitive, and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you."

Senator Solomon rose in support of the nominees as follows:

"Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody's there in the gallery that's here in celebration of this great vote, that they would please stand. I'm not too sure if anyone's there, but if they are, please stand to be recognized. Thank you very much."

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1401 (Gov. Msg. No. 569):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1401 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of RANDY CHING to the Natural Area Reserves System Commission, term to expire June 30, 2015 (term amended to June 30, 2013 by Gov. Msg. No. 575), seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominee as follows:

"I'd just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai'i. Land use is such an important part of how we're going to ensure that Hawai'i is globally competitive,

and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you.”

Senator Solomon rose in support of the nominee as follows:

“Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody’s there in the gallery that’s here in celebration of this great vote, that they would please stand. I’m not too sure if anyone’s there, but if they are, please stand to be recognized. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1402 (Gov. Msg. No. 574):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1402 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of MICHELE CHOUTEAU MCLEAN to the Kaho’olawe Island Reserve Commission, term to expire June 30, 2015, seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominee as follows:

“I’d just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai’i. Land use is such an important part of how we’re going to ensure that Hawai’i is globally competitive, and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you.”

Senator Solomon rose in support of the nominee as follows:

“Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody’s there in the gallery that’s here in celebration of this great vote, that they would please stand. I’m not too sure if anyone’s there, but if they are, please stand to be recognized. Thank you very much.”

Senator Ryan rose in support of the nominee as follows:

“I’d like to rise in support of the judicial nominees, but as the freshman Senator on the floor, I’d like to say to all the nominees, both paid and unpaid, ‘welcome to our world. I hope it’s a good one.’ But I’d like to make special comment to those who are serving with special focus: helping a protected class of people in our state, the Native Hawaiian community. I especially want to comment to the Kaho’olawe Island Reserve Commission nominee, Burial Council nominees, and Department of Hawaiian Home Lands Commission nominees: We are counting on you to do what is pono and to help our people, and thank you for your service. Aloha.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1403 (Gov. Msg. Nos. 564, 565, 754 and 755):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1403 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nominations to the Hawai’i Community Development Authority of the following:

BRIAN LEE, term to expire June 30, 2015 (term amended to June 30, 2014 by Gov. Msg. No. 575) (Gov. Msg. No. 564);

LOIS MITSUNAGA, term to expire June 30, 2015 (Gov. Msg. No. 565);

JAY R. KADOWAKI, term to expire June 30, 2015 (Gov. Msg. No. 754); and

MAILE MEYER, term to expire June 30, 2015 (Gov. Msg. No. 755),

seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominees as follows:

“I’d just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai’i. Land use is such an important part of how we’re going to ensure that Hawai’i is globally competitive, and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you.”

Senator Solomon rose in support of the nominees as follows:

“Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody’s there in the gallery that’s here in celebration of this great vote, that they would please stand. I’m not too sure if anyone’s there, but if they are, please stand to be recognized. Thank you very much.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1404 (Gov. Msg. No. 525):

Senator Dela Cruz moved that Stand. Com. Rep. No. 1402 be received and placed on file, seconded by Senator Solomon and carried.

Senator Dela Cruz then moved that the Senate advise and consent to the nomination of JESSE SOUKI to the Director for the Office of Planning, seconded by Senator Solomon.

Senator Dela Cruz rose in support of the nominee as follows:

“I’d just like to make a few comments regarding all the nominees that came through Water, Land, and Housing. You know, in regards to the Land Use Commission, HCDA, HHFDC, and all those other boards and commissions, you know, these individuals are stepping up to the plate and creating the new day in Hawai’i. Land use is such an important part of how we’re going to ensure that Hawai’i is globally competitive, and I look forward to all of them working hard and working with them, in making sure that we can achieve some success. Thank you.”

Senator Solomon rose in support of the nominee as follows:

“Likewise, as vice chair of Water, Land, and Housing, I just would like to echo the remarks of the chairman, and just to ask if anybody’s there in the gallery that’s here in celebration of this great vote, that they would please stand. I’m not too sure if anyone’s there, but if they are, please stand to be recognized. Thank you very much.”

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

Ayes, 25. Noes, none.

At 9:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:10 a.m.

ADOPTION OF RESOLUTIONS

S.R. No. 45, S.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S. R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RETURN HAWAII PRISONERS HELD IN MAINLAND FACILITIES AND TO CONSIDER CONSTRUCTION OF A NEW PRISON, RE-ENTRY CENTER, OR OTHER CORRECTIONAL FACILITY ON THE BIG ISLAND," was adopted.

S.R. No. 70, S.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S. R. No. 70, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT RELATING TO GEOTHERMAL RESOURCES," was adopted.

H.C.R. No. 298, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 298, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE ASIA-PACIFIC ECONOMIC COOPERATION HOST COMMITTEE SELECT PRODUCTS UNIQUE TO HAWAII THAT SHOWCASE HAWAII'S EXCELLENCE IN AGRICULTURE," was adopted.

At this time, Senator Hee introduced Linda Krieger, newly confirmed member of the Civil Rights Commission, along with Rock Ley and Sesnita Moepono, newly confirmed members of the Hawai'i Labor Relations Board.

Senator Espero introduced Michael Golojuch, newly confirmed member of the Advisory Board on Veterans' Services who was seated in the gallery.

FINAL READING

Conf. Com. Rep. No. 143 (H.B. No. 200, H.D. 1, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 143 be adopted and H.B. No. 200, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

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

"First, let me say that I am deeply appreciative of the members of this legislature, numerous members of the many executive agencies and departments, and countless members of the public that have shared their thoughts and worked with this committee in a positive manner to craft this executive budget. I would also like to especially thank my vice chair and the members of the Ways and Means Committee for their hard work on this budget and the many proposals that were considered. And, finally, Mr. President, I would also like to thank you and your staff for your guidance and support through these arduous negotiations. And, finally, I would like to acknowledge one last time the staff of the Senate Ways and Means Committee for their tireless efforts and diligence in implementing the many decisions and providing input for the many decision points we had to make in crafting this budget.

"This session follows two consecutive years where the legislature has had to close deficits of \$2.1 billion and \$1.2 billion, respectively. This year the challenge before us grew and grew as time went on. At the end, the budget shortfall currently is projected at \$1.3 billion through the end of the upcoming fiscal biennium. The executive budget is the largest component of the state's financial plan and our adjustments to it comprise the single largest share of the solution to the severe financial situation facing the state. Together, members, we are able to balance the budget and close this deficit without taxing pensions. In the aggregate, this budget does increase the general fund expenditures from those authorized in the current fiscal year. Some may not grasp the reasons for this, but let me explain. This is largely the result of restoration of furlough reductions, the loss of American Reinvestment and Recovery Act dollars, Medicaid costs, which have increase enormously, and debt service requirements from the debt restructuring conducted by the previous administration. These adjustments, largely non-discretionary in nature, resulted in the administration's initial request to this legislature to add \$624.9 million for the fiscal year 2012 and \$810.6 million for fiscal year 2013.

"The new administration submitted a request to add an additional \$133.8 million for fiscal year 2012 and \$160 million for fiscal year 2013. This request included funding to address immediate needs of state programs, EUTF payments, the Temporary Assistance for Needy Family program, and Medicaid needs related to the Compact of Free Association. Colleagues, the measure now before you is a responsible budget that finds common ground and compromise between the various drafts of the executive budget. A balanced approach was taken that incorporates various components of the drafts prepared by the House of Representatives and the Senate. First, this draft represents labor savings in the amount of \$88.2 million per year, as a lump sum reduction to the Department of Budget and Finance. This adjustment presumes that the current labor agreements for HSTA remain in place, thus ensuring that student instructional days are maintained. Second, all reductions made directly to state programs in drafts of the budget proposed by the House of Representatives and by the State Senate were evaluated and, in most cases, tempered. Third, a large lump sum reduction in the amount of \$50 million per year was placed in the Department of Budget and Finance to provide the Governor with maximum flexibility to allocate the reductions amongst the executive branch of government. We have heard the Governor's desire to re-prioritize and retool state government and his counsel against excessive horizontal reductions. The Governor will have the authority to allocate this reduction to state programs in concert with his efforts to re-prioritize and redirect state government agencies.

"Finally, the Governor's request for additional resources had been thoroughly reviewed. Many of these requests are funded in this final conference draft as they pertain to maintaining the safety net and restoring the ability of government to perform certain necessary functions. However, many difficult choices were made and many funding requests could not be accommodated. General fund appropriations contained in this draft include the addition of about a quarter billion dollars per year for Medicaid services, \$13.2 million for fiscal year 2012 for COFA-related Medicaid costs, \$45.2 million for TANF programs, and another \$12.8 million for cash assistance payments over the fiscal biennium. And, finally, \$6.9 million per year to the University of Hawai'i to maintain enhanced funding levels provided by ARRA and also to ensure that they can meet the increasing student demands for high education. Additionally numerous other appropriations were made to restore or enhance vital state services, such as funding for the Department of Education's contracted nursing services, deputy sheriffs for the state's court complexes, equipment for the state

DOCARE officers, positions needed by the State Historic Preservation Division, the Department of Agriculture, and the State's Information and Communications Services division, as well as funding for programs such as Preschool Open Doors and homeless services. In total, the general fund adjustment made by this budget represent a reduction of \$259.8 million for fiscal year 2012 and \$358.8 million for fiscal year 2013 to the Governor's requested budget, a significant portion of the stated budget shortfall. As we all know, the final version of the budget is the result of the give and take of the conference process.

"I would be remiss if I did not state for the record that I was disappointed that we were not able to get the House to agree to a few strategic investments made by the Senate that would move our state forward. Specifically, these include funding for the Early Learning Council to focus on early learning, expansion and stabilization of the Healthy Start program, funding to continue the STEM initiatives that are thriving in nearly all of our public schools, funding to the University of Hawai'i to begin the Mauna Kea management plan so that would assure that we can protect this important resource, and finally funding to expand the Academy of Creative Media so that all of our students throughout our state can benefit from this new age and most important industry that we pursue. Mr. President, this budget represents decisions that will best move the state forward through these difficult times. Colleagues, through your hard work and cooperation, we have amended this legislation to provide an appropriate allocation to core services in light of the state's fiscal situation. I encourage all of you to support this measure. Thank you."

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

"First, I do want to recognize the efforts of the chairman of the committee, members of the committee, the research staff. I also want to again recognize the members of the Senate minority staff who worked so diligently since the beginning of this session on budgetary matters.

"The budget was the single most important thing that we had to do this year. And from the outset, we got a late start because the executive did not submit the budget on time. From that time on, we've been playing catch-up and we've been putting a lot of people's lives in jeopardy through tax hike discussions right up until the last minute. We threatened businesses, individuals, organizations, and in the end, the Senate had a much preferable position to the House, but still this budget document is a budget buster. It is something that is going to continue to lower the standard of living and the options for every man, woman, and child in this state. It is true, as the chairman said, that over the last several years we've had not one budget deficit, but actually three, in a total of \$5 billion in shortfall. This year we faced \$1.3 billion in shortfall. Now, what would that tell any prudent family or any small business if they had a trend for additional shortfalls and deficits? It would tell them that they are spending too much. It would tell them that they must make changes, systemic changes. We have not done that.

"What we have done is used a band aid approach to try to put together a plan that would get us through, first of all, this fiscal year which ends June 30, and then the next two fiscal periods which end June 30, 2013. But, Mr. President, what then? What happens on July 1, 2013? We're going to continue to face the same fiscal problems that we face today, only there will be no special funds to scoop. There will be no federal ARRA monies to rely upon. There will be no more manipulative budgeting techniques to get us through month by month. What was needed, what is needed, is that change in direction: to tell people of all the things that Hawai'i is, the aloha state, the diversity state, we should not be identified as the welfare state. Not one bill during this legislative session, not one, was heard or passed to help improve the business and investment climate

of this state. Not one. And yet, that's what we need when we talk about more revenues. We need revenues from new sources, not to continue to tax and re-tax our existing residents, not to make it more difficult on existing businesses but to create a very clear, transparent climate that welcomes new entrepreneurs, new people with fresh money, because they believe in the economic future of this state. But, that we didn't do. Instead we scrambled right up to literally the last minute to make deals, to trade off different programs, to add things here, subtract things there. But it is unfair and unrealistic to talk about cuts to our government spending because in fact this budget represents a double digit increase in spending. It represents an increase in the number of state employees, their compensation and their benefits.

"We had the opportunity. We had suggestions. We had models of things that we could do. They were not done. And so, instead, we're going to continue on the path that we have continued on. And we can hope and pray that on May 26, when the Council on Revenues meets again, that they will not further reduce the economic forecast for this state. We can hope and pray. The reality is they're probably going to do that. In the meantime, we have the figures, month by month, from the state Department of Taxation and we see a reduction in tax revenues. Our people are hurting. Our businesses are hurting. We're not doing anything to expand the pie or make more pies. All we're doing is finding different ways with different people to re-cut the existing pie. I find that that is extremely shortsighted. It is not really a plan. And if we lack the fiscal discipline to make the changes that are necessary, the cuts that we talk about, the reductions that we talk about, are reductions to the additions that were made by the executive over the former budget. They are not cuts to preliminary or past programs. We've even called for the addition of new programs. In our capital improvement budget, we've added amounts that have gotten the attention of the public outside, such as improvements to the slaughterhouse which has become such a controversial issue and calls into question how many people, how many organizations, how many businesses should this state government subsidize? The answer seems to be 'it's endless,' because even in these times of so-called economic stress, we continue to call for more spending and we call on more of our citizens and residents to bear that burden. Now, I know I'm just one voice in this body. If I were a gambling man, it would be real easy to predict what the vote's going to be on this bill and many others today. But I want to remind you, each and every one of my colleagues, that you have heard from your constituents outside. My voice may be the only one inside calling for a change from taxation and spending and more debt. But outside, the public is becoming more restive, and they don't believe that we are doing the best that we can or doing the most creative things outside the box. We're doing what is comfortable for us. That may be a perception, but we know that perception is reality.

"Further, I'm not convinced as I look over all the numbers. I went to all the hearings, listened to all the debates. I'm not convinced that this budget in fact is balanced. But ever if it is, at the moment of its passage, the question remains: what will happen next week, next month, next year, or certainly after June 30, 2013? We had the opportunity make these changes to end shortfalls. You can blame it on the past administration if you like, but we're the ones in charge. We're the ones making the decision. We're the ones that have listened to the constituents and then ignored them in many areas. So, while there was a herculean effort, and I don't diminish the difficulty, government is not a business, because if government were a business, we would have been out of business years ago. We don't use the same principles, we don't use the same discipline, and we don't have the same long-term goals and objectives. So, reluctantly, while I know there are a number of good things

within this budget bill, I cannot support a continuation of this fiscal irresponsibility. Therefore I vote 'no.' Thank you."

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

"Your Committee on Conference finds that well-maintained physical infrastructure and state facilities are essential to maintaining a positive business climate and a strong economic foundation. Your Committee on Conference also finds that the need to invest in local infrastructure to help stimulate direct and indirect job creation is highly critical at this time. Expediency and the creation and maintenance of local construction jobs, as well as other jobs associated with capital projects, will generate more disposable income which will in turn circulate throughout our economy. The impact of new bond issuances was of concern in light of refinancing of general obligation bonds in 2009, which will result in substantial increases to debt service payments beginning in fiscal year 2015 and 2016. Further compounding this problem was an error in the accounting of general obligation bond authorizations for state education facilities improvement or the SEFI special funds, where an additional \$390 million needed to be appropriated for fiscal years 2011 and 2012 to ensure that sufficient resources would be available to cover contractual obligations currently encumbered.

"While your Committee on Conference understands from both accounting and legal perspectives that the amount of general obligation bonds authorized and issued must equal the amount of SEFI funds appropriated and expended, the current problem that the \$390 million is intended to fix is a manifestation of a larger systemic problem with SEFI's financing mechanism that requires further evaluation and deliberation. Your Committee on Conference prioritized all projects and recommended those deemed essential for health and safety and those that were identified as shovel-ready for immediate implementation. These projects will serve to protect the public welfare while providing stimulus to the state's economy.

"The largest areas funded in this budget, all means of financing, include: \$816 million for the Department of Transportation Airports, Highways and Harbors, \$328 million to the Department of Education public charter schools and public libraries, \$174 million for the University of Hawai'i system, and \$149 million for the Department of Health and Hawai'i Health Systems Corporation. In addition, your Committee on Conference appropriated \$7.8 million to repair and reconstruct infrastructure damage by the tsunami that struck the state on March 11 of this year. Lastly, your Committee on Conference appropriated over \$20 million for grants-in-aid to nonprofit organizations for facilities improvement and expansion. Continuation of the services provided to state residents by these nonprofit organizations is vital, especially given that the state has been forced to reduce services due to the current economic climate. At this time, I'd like to thank Senator Ige for a remarkable job during these difficult times. Also, a big mahalo to the support staff of the Ways and Means Committee and to all of our colleagues. Mahalo."

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

"Mr. President, I know how difficult it was, having chaired the Ways and Means committee for the last two years, and so I really want to take this time to commend the chair of Ways and Means for balancing the budget. I know how hard the work is for him and the staff, in having to again fill the pukas for our deficit. I commend him for his temperament, for his leadership, and I certainly appreciate his steadfastness during our conference, and also, Mr. President, thank you and thank your

staff for all of your support that you gave to the Ways and Means Committee. Mahalo."

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

"I, too, rise in support of this budget and would like to incorporate the words of the previous speaker as if they were my own because I share her appreciation for both the hard work that our current chair had to undertake. I think I was probably the last chair of Ways and Means that had a little bit of money to play with and we could fund the bills our subject matter committees prioritized. I know that that's a much better situation to be in than what our current chair or previous chair had to put up with. But I do think that the one thing that Chair Ige brings to this task is not only an understanding of some of the areas that are most near and dear to some of our hearts, the health and human service area, as well as the economic development and workforce development aspect, but he has that engineering mind to sort through all of the elements in the budget and financial and he has a great temperament. His down to earth personality is one of both fairness, ease of getting along, but a real steel rod in his back that I particularly appreciate especially when it came to preserving and standing up for the positions of the Senate because the pressure was immense. It was not an easy thing to do, and I think we were very lucky to have him in that chair. And, so, I appreciate the work although with every budget, there are things that I wish would have been done differently, but I think on the whole, we're doing the very best we can, even though we continue to try to fund a 21st century government with a 1965 revenue stream. I appreciate the hard work the vice chair on the CIP matters, as well as the chair of Ways and Means, and all of the members. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 200, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At this time, Senator Kidani introduced Michelle McLean, newly confirmed member of the Kaho'olawe Island Reserve Commission.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 29, 2011

Conf. Com. Rep. No. 2 (S.B. No. 172, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Slom and carried, Conf. Com. Rep. No. 2 was adopted and S.B. No. 172, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 3 (S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 3 was adopted and S.B. No. 1483, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII REVISED STATUTES SECTION 514B-153(E)," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 51 (H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator English and carried, Conf. Com. Rep. No. 51 was adopted and H.B. No. 1094, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 52 (H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Baker and carried, Conf. Com. Rep. No. 52 was adopted and H.B. No. 1241, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 53 (H.B. No. 555, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 53 was adopted and H.B. No. 555, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1069, S.D. 1, and S.B. No. 1069, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1489, S.D. 1, H.D. 1:

On motion by Senator Shimabukuro, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1489, S.D. 1, and S.B. No. 1489, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

Conf. Com. Rep. No. 10 (S.B. No. 101, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 10 was adopted and S.B. No. 101, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 29 (S.B. No. 1068, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 29 was adopted and S.B. No. 1068, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO ANIMAL CRUELTY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 30 (S.B. No. 217, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 30 was adopted and S.B. No. 217, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 33 (S.B. No. 1067, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 33 was adopted and S.B. No. 1067, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 55 (H.B. No. 319, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 55 was adopted and H.B. No. 319, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 56 (H.B. No. 663, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Slom and carried, Conf. Com. Rep. No. 56 was adopted and H.B. No. 663, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 58 (H.B. No. 931, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 931, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 62 (H.B. No. 1088, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 62 was adopted and H.B. No. 1088, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 64 (H.B. No. 909, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 64 was adopted and H.B. No. 909, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL

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

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

Conf. Com. Rep. No. 65 (H.B. No. 1005, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Slom and carried, Conf. Com. Rep. No. 65 was adopted and H.B. No. 1005, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 66 (H.B. No. 56, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 66 was adopted and H.B. No. 56, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD VISITATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 70 (H.B. No. 1654, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Espero and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 1654, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GROUP LIVING FACILITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 72 (H.B. No. 597, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 72 was adopted and H.B. No. 597, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 73 (H.B. No. 616, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Slom and carried, Conf. Com. Rep. No. 73 was adopted and H.B. No. 616, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHILD CUSTODY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 74 (H.B. No. 1003, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 74 was adopted and H.B. No. 1003, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PENAL CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 76 (H.B. No. 240, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 76 was adopted and

H.B. No. 240, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 80 (H.B. No. 593, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Kim and carried, Conf. Com. Rep. No. 80 was adopted and H.B. No. 593, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO NOMINATION PAPERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 81 (H.B. No. 716, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 81 was adopted and H.B. No. 716, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 82 (H.B. No. 747, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Baker and carried, Conf. Com. Rep. No. 82 was adopted and H.B. No. 747, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIQUOR LIABILITY INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 11, S.D. 2, H.D. 2:

On motion by Senator Espero, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 11, S.D. 2, and S.B. No. 11, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 29, 2011

S.B. No. 173, S.D. 2, H.D. 2:

Senator Espero moved that S.B. No. 173, S.D. 2, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose in opposition to the measure and said:

“This bill creates a ban for so-called novelty lighters and also imposes a fine of not more than \$1,000 or other penalties. I really enjoyed the show-and-tell during our judiciary hearing because I had never seen 95 percent of these novelty lighters, and I thought they were pretty cool. You know that I don’t do bans on anything because I don’t think one size or one type of ban fits all, and I don’t think it’s a good policy, and the fact that we’re making up to \$1,000 fine for possession is not good policy as well. Thank you.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 173, S.D. 2, and S.B. No. 173, S.D. 2, H.D. 2, entitled: “A

BILL FOR AN ACT RELATING TO FIRE PROTECTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1040, S.D. 1, H.D. 2:

On motion by Senator Hee, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1040, S.D. 1, and S.B. No. 1040, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1533, S.D. 1, H.D. 1:

Senator Hee moved that S.B. No. 1533, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose in support of the measure with reservations and said:

“We had a lot of bills this session, a number of which have passed or we’re going to pass today, about animal cruelty and certainly I think we can all be supportive of those bills as we have been. However, this bill is very unique in that it also separates out and singles vermin, insects, and pests for the manner in which they may or may not be killed, and last time I checked we did not make the cockroach one of our valued state animals or insects, and I don’t think the use of a rubber slipper, particularly a heavy slipper, would fall into the purview of approved methods of getting rid of this particular insect or vermin. You know, I think that we do a disservice when we have serious bills and we don’t use common sense or reasonableness. People that have had problems with vermin before, want them out, and if we have to have a judicial hearing, for example, to find out if their removal or death was within prescribed means, I think we have very difficult time. Thank you.”

Senator Hee rose on a point of order and requested a recess.

At 10:42 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:45 a.m.

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1533, S.D. 1, and S.B. No. 1533, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

Conf. Com. Rep. No. 9 (S.B. No. 631, S.D. 1, H.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 9 be adopted and S.B. No. 631, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara.

Senator Slom rose in opposition to the measure and said:

“I think we’re all in favor of renewable energy, and certainly this legislature and particularly this Senate is in favor of agricultural lands. I think as the discussions have gone along on this bill, however, there is a concern that more than the minimum amount of land is actually going to be utilized for

solar facilities or other renewable energy, and I think our major focus should be on agricultural lands for agriculture. There was some testimony that showed that in addition there were people within the agricultural industry that expressed concerns, not opposition, but concerns about putting too much emphasis on some of the areas for renewable energy. And I know that the good chairman of Agriculture made some changes (we protected important ag lands), but I think it’s still a concern for me. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 9 was adopted and S.B. No. 631, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 12 (S.B. No. 975, S.D. 1, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 12 be adopted and S.B. No. 975, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Taniguchi.

Senator Baker rose in support of the measure and said:

“Real estate appraisers often act in various capacities. They serve as arbitrators in proceedings to determine the fair market value, fair market rental value, or fair and reasonable rents of real estate. They also provide appraisal services in connection with arbitration proceedings to determine the fair market value, fair market rental value, or fair and reasonable rents of real estate. When acting as an arbitrator or as an appraiser, they use their skills, collective knowledge of the market, as well as their experience and judgment in order to determine the appropriate information in either capacity. This legislation will ensure that there is the highest quality of service possible, while providing transparency to the consumer in the process, because it requires all real estate appraisers to adhere to the Uniform Standards Professional Appraisal Practice when acting as an appraiser or as an arbitrator. But perhaps more importantly this bill will provide the public with even better service because the arbitration panel must now provide a written report explaining their findings. No longer will the requesting parties be left wondering why the panel ruled as it did or get just a one-line report. The required report will now provide a rationale and methodology for the arbitration decision, allowing their decision to be more fully understood. Your committee appreciates the role and the value of the work of appraisers acting as arbitrators. With this measure, we believe that these appraisers acting in this capacity will continue to provide the people of Hawai’i with fair, consistent, high quality and professional work. I encourage all of my colleagues to join me in support Senate Bill No. 975, Conference Draft No. 1. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 12 was adopted and S.B. No. 975, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO APPRAISALS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 25 (S.B. No. 40, S.D. 2, H.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 25 be adopted and S.B. No. 40, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Pseudoephedrine is a safe drug, when it is used to treat cold and allergy symptoms and is use by many people for its intended purpose.

"Unfortunately, some people choose to abuse their access to pseudoephedrine and ephedrine products by stripping out the active ingredients and using them in the production of illegal drugs known as crystal methamphetamine.

"This measure is another tool to help interrupt the production and distribution of crystal meth in our community because it makes the practice of smurfing much more difficult. Smurfs are individuals who go from store to store to get the maximum legal amount of drugs from one location and move on to another, circumventing the current law. Without the electronic tracking system for the sale of pseudoephedrine and ephedrine products established in this bill the smurfs activity would continue to be largely undetected. SB 40 creates an electronic interface in order to track the sale of these products to individuals and will also electronically collaborate with a national database to track sales in a number of states.

"The database can be accessed by law enforcement officials if necessary, and the tracking system will also alert the pharmacy when an individual has exceeded the legal amount of purchased pseudoephedrine or ephedrine within a daily or monthly time frame.

"Our goal is to both give people access to the care they need while also continuing to limit the abuse of various drugs. SB40 is a powerful tool for us to continue to combat the production of methamphetamines in our state. And it comes at no cost to the taxpayers.

"I urge my colleagues to vote in favor of SB 40. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 25 was adopted and S.B. No. 40, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PSEUDOEPHEDRINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 26 (S.B. No. 181, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 26 was adopted and S.B. No. 181, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHOTOVOLTAIC-READY NEW RESIDENTIAL HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 27 (S.B. No. 49, S.D. 1, H.D. 2, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 27 be adopted and S.B. No. 49, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure and said:

"I think the intent of the bill is good: to report the death of an inmate within 24 hours. I think that's laudable. However we heard discussion and testimony that in some instances this may be very difficult because of a medical investigation that's going on or other research, or the problem of contacting an inmate's family on the mainland. The original draft of the bill had the correction facility reporting to the legislature, which I thought was a bit odd, because for example if we got a report on May 6,

what is the legislature going to do? Now the bill has a report going to the Governor. Again, I think the intent is good and there should be a timely manner of reporting this data, but we have not seen, really, a problem that needs legislative approval. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 27 was adopted and S.B. No. 49, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 28 (S.B. No. 106, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Hee and carried, Conf. Com. Rep. No. 28 and S.B. No. 106, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 31 (S.B. No. 229, S.D. 1, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 31 be adopted and S.B. No. 229, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Colleagues, we are all aware of the devastating impacts domestic and sexual abuse can have on victims and their families. A victim's ability to retain employment is crucial in assuring that they can access medical care and retain financial independence at a time that they are experiencing increased emotional and physical distress and are in the need of greater protection and security. I introduced this bill to address some of my constituent's experiences with discrimination in the work place as a result of their domestic abuse. This bill will create a new protected class for domestic and sexual abuse and victims, not only prohibiting employers from discriminating against abuse victims but also providing them with reasonable accommodations to provide for greater security in the workplace. All people need to feel safe, especially in the workplace where we as a society often spend a lot of our time. By providing increased safety and security in the workplace we are assuring that they can remain productive as well as providing them the support they need at such a vulnerable time. This bill addresses the concerns for victims and their families and employers in assuring that we can maintain safe workplace environments for everyone.

"I would just like to commend the great support of the Women's Legislative Caucus and the Judiciary and Labor committees that moved this integral piece of legislative forward. I would also like to say mahalo to the women helped by Maui's Women Helping Women and the West Maui Domestic Violence Task Force for bringing this issue to the forefront and helping us craft legislation to empower women in the workplace who are also coping the domestic abuse in their lives.

"I respectfully urge all of my colleagues to vote favorably on this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 31 was adopted and S.B. No. 229, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

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

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 32 (S.B. No. 1025, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 32 be adopted and S.B. No. 1025, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose in opposition to the measure and said:

“We’ve had this bill... in previous years we’ve had other bills similar to it. What it does is create new, protective classes, that there are special penalties because of criminal violations, and in this case we’re talking about firefighters and water safety officers, and in certain cases, those people over 62 years of age. I can speak to this bill, not because I’m a water safety officer or not because I’m a firefighter. While these classes are extremely important, I think that we send the wrong message into the community when we single out different kinds of people for different kinds of punishment. If crime is wrong and punishment should be swift, then everyone should be treated equally in that particular circumstance. I realize that we’ve already carved out exemptions, but I don’t think the answer’s carving out more exemptions. I think the exemption is swifter law enforcement and judicial determination. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 32 was adopted and S.B. No. 1025, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PENAL CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 59 (H.B. No. 227, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Hee and carried, Conf. Com. Rep. No. 59 was adopted and H.B. No. 227, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRESPASS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (H.B. No. 117, H.D. 2, S.D. 2, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 61 be adopted and H.B. No. 117, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 61 was adopted and H.B. No. 117, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREAS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Fukunaga, Tokuda). Noes, 1 (Ihara).

Conf. Com. Rep. No. 67 (H.B. No. 1230, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 67 was adopted and H.B. No. 1230, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR

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

Ayes, 23. Noes, 2 (Gabbard, Ihara).

Conf. Com. Rep. No. 68 (H.B. No. 44, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 68 was adopted and H.B. No. 44, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROSTITUTION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 69 (H.B. No. 1520, H.D. 2, S.D. 2, C.D.1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 69 was adopted and H.B. No. 1520, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 71 (H.B. No. 484, S.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 71 be adopted and H.B. No. 484, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Hawai‘i continues to face a shortage of qualified health professionals, especially in our rural areas. We need to begin to fully utilize all of our qualified, existing resources to expand access to healthcare services. Advanced Practice Registered Nurses can fill the bill. They have proven themselves to have clinical experience of sufficient depth and breadth to safely practice within their specialties without supervision.

“For 15 years, APRNs have shown that they are qualified to be personally accountable for their practices and have safely prescribed drugs appropriate to their specialties. Because of this outstanding record, there is no longer a need for a supervisory relationship with a physician. This measure will ensure that APRNs will be able to practice to their fullest extent as primary care providers with the commensurate ability to prescribe and manage patients independently.

“This measure clarifies that hospitals must recognize the statutorily granted authority of APRNs to function as primary care providers and allow them to practice to the fullest extent of their licensure in a hospital setting. HB 484, CD1 will help to effectuate Act 169, SLH 2009, which required insurers to recognize APRNs as primary care providers. HB 484, CD1 along with Act 169 and Act 57, SLH 2010, which updated their licensing statute, will empower the nursing profession and help narrow the access-to-care gap especially in our rural areas. Further, allowing APRNs to operate to the fullest extent of their legally granted scope of practice will help increase the availability of highly qualified, caring healthcare providers and thereby ensure that the people of Hawai‘i have the best possible healthcare choices. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 71 was adopted and H.B. No. 484, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO

ADVANCED PRACTICE REGISTERED NURSES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (H.B. No. 243, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 75 be adopted and H.B. No. 243, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose in opposition to the measure and said:

“Again, this is another one of the so-called animal cruelty bills. This has to do with prohibiting retail pet shops from selling other than sterilized cats and sterilized dogs. We had a great deal of testimony in opposition to this bill, particularly from the pet shops, but also from veterinarians who said that this sterilization process at a very young age may in fact be cruel and inhumane itself. And from an economic standpoint, this is not going to end puppy mills or the problems that we say that we’re concerned about. Instead, it will hurt one sector of our economy and that is the pet shops. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75 was adopted and H.B. No. 243, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18; Ayes with Reservations (Dela Cruz, Green, Ige, Ihara, Nishihara, Ryan, Solomon). Noes, 7 (Baker, Chun Oakland, Espero, Kidani, Kouchi, Slom, Taniguchi).

Conf. Com. Rep. No. 77 (H.B. No. 141, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 77 was adopted and H.B. No. 141, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 83 (H.B. No. 1155, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 83 was adopted and H.B. No. 1155, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REPEAT OFFENDERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 4 (S.B. No. 45, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Hee and carried, Conf. Com. Rep. No. 4 was adopted and S.B. No. 45, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 5 (S.B. No. 283, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 5 was adopted and S.B. No. 283, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SUSTAINABILITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 6 (S.B. No. 1278, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 6 was adopted and S.B. No. 1278, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 11 (S.B. No. 105, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 11 was adopted and S.B. No. 105, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNIFORM REAL PROPERTY TRANSFER ON DEATH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (S.B. No. 44, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 14 was adopted and S.B. No. 44, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 15 (S.B. No. 758, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 15 was adopted and S.B. No. 758, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SMALL BUSINESS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 19 (S.B. No. 1213, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 19 was adopted and S.B. No. 1213, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERMITTING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 21 (S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 21 be adopted and S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Green requested his vote be cast “no,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 21 was adopted and S.B. No. 1485, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RECONSTITUTING SCHOOLS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Green).

Conf. Com. Rep. No. 22 (S.B. No. 1282, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 22 was adopted and S.B. No. 1282, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 23 (S.B. No. 1503, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 23 was adopted and S.B. No. 1503, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 24 (S.B. No. 986, S.D. 2, H.D. 3, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 24 was adopted and S.B. No. 986, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIMINAL JUSTICE SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (S.B. No. 285, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Ige and carried, Conf. Com. Rep. No. 34 was adopted and S.B. No. 285, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 35 (S.B. No. 1394, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 35 was adopted and S.B. No. 1394, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC HOUSING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (S.B. No. 806, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Baker and carried, Conf. Com. Rep. No. 36 was adopted and S.B. No. 806, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 37 (S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 37 and S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," was deferred until the end of the calendar.

Conf. Com. Rep. No. 38 (S.B. No. 1290, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 1290, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 43 (S.B. No. 1383, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 43 was adopted and S.B. No. 1383, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 45 (S.B. No. 23, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 45 was adopted and S.B. No. 23, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 46 (S.B. No. 903, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 903, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 47 (S.B. No. 1154, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 47 was adopted and S.B. No. 1154, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 48 (S.B. No. 1530, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Kim, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 48 was adopted and S.B. No. 1530, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 50 (S.B. No. 34, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 50 was adopted and S.B. No. 34, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS," having been read

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 54 (H.B. No. 866, H.D. 2, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 54 be adopted and H.B. No. 866, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Nishihara rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"I wish to speak in favor of S.B. 1153, H.D. 2. This legislative session has seen many gains for our agricultural industry. One of the important pieces to complete the process of securing greater food production and ensuring the expansion of locally grown food to be made available to our public, is the financial piece. This bill is intended to make loans available to new farmers at affordable rates through the New Farmer Program. It sets the following; qualification of new farmers based on ability, experience and training; substitutes the Future Farmer of America graduates with those of the National FFA organization; reduce the number of credit denials for class "F" loans; sets the Program interest rate for "F" loans at 1.5 percent below the prime rate at 6 percent whichever is less; and finally, reduces the minimum interest rate for agricultural loans made under Chapter 155 (HRS) from 3 to 1 percent. This will also increase the Program loan limit to \$250,000. Our Department of Agriculture believes that these provisions will aid in the expansion of our struggling agricultural industry. So members, I ask for your support in helping to lift the burden that our farmers now face, and vote in favor of this bill.

"Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 54 was adopted and H.B. No. 866, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (H.B. No. 1049, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 63 was adopted and H.B. No. 1049, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 78 (H.B. No. 1138, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 78 was adopted and H.B. No. 1138, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S LIENS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (H.B. No. 1071, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Espero and carried, Conf. Com. Rep. No. 79 was adopted and H.B. No. 1071, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH RELEASE ON CONDITIONS OF A PERSON FOUND UNFIT TO STAND TRIAL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 85 (H.B. No. 4, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Espero and carried, Conf. Com. Rep. No. 85 was adopted and H.B. No. 4, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 86 (H.B. No. 739, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Ihara and carried, Conf. Com. Rep. No. 86 was adopted and H.B. No. 739, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89 (H.B. No. 1052, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 89 was adopted and H.B. No. 1052, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 92 (H.B. No. 688, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Hee and carried, Conf. Com. Rep. No. 92 was adopted and H.B. No. 688, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 93 (H.B. No. 491, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Ige and carried, Conf. Com. Rep. No. 93 was adopted and H.B. No. 491, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95 (H.B. No. 855, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Ige and carried, Conf. Com. Rep. No. 95 was adopted and H.B. No. 855, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST PACIFIC POWER AND WATER COMPANY, INC., IN THE DEVELOPMENT OF HYDROPOWER FACILITIES IN

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 97 (H.B. No. 301, S.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Hee and carried, Conf. Com. Rep. No. 97 was adopted and H.B. No. 301, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY COMPUTER SYSTEM SPECIAL FUND,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98 (H.B. No. 545, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 98 was adopted and H.B. No. 545, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOTER REGISTRATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 105 (S.B. No. 52, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 105 was adopted and S.B. No. 52, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 109 (S.B. No. 1174, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 109 was adopted and S.B. No. 1174, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (S.B. No. 1284, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 110 was adopted and S.B. No. 1284, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 111 (H.B. No. 1070, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 1070, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE TIMEFRAMES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 112 (H.B. No. 1333, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 112 was

adopted and H.B. No. 1333, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SMALL CLAIMS COURT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 115 (H.B. No. 889, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Hee and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 889, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 116 (H.B. No. 761, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 761, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INTELLECTUAL DISABILITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 117 (H.B. No. 1045, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 1045, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 118 (H.B. No. 801, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 801, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 119 (H.B. No. 667, H.D. 1, S.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 119 be adopted and H.B. No. 667, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Nishihara rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“I wish to speak in favor of this bill. As the bill title states: “A Bill for an Act Related to Food Security,” no one would argue over the importance of ensuring the safety of the food we eat. We have seen the media stories, both national and local, where there has been a breakdown of food safety from the farm to processing plant to our tables. What this bill hopes to do is to provide training, certification, support, and assistance to the

agricultural industry in the areas of food safety and security. This will create a food safety and security program within the Department of Agriculture to address growing concerns of the public over safety of the products served at their tables.

“Colleagues, I as for your support of this important food safety bill. Thank you, Mr. President.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 667, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FOOD SAFETY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 123 (H.B. No. 960, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 123 was adopted and H.B. No. 960, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 125 (H.B. No. 1505, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 1505, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE FACILITIES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 127 (H.B. No. 331, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 127 was adopted and H.B. No. 331, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 140 (H.B. No. 1020, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 1020, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Slom introduced former State Senator Gordon Trimble who was seated in the gallery.

FINAL READING

MATTER DEFERRED FROM FRIDAY, APRIL 29, 2011

S.B. No. 1153, S.D. 1, H.D. 2:

Senator Nishihara moved that S.B. No. 1153, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure and said:

“Reluctantly, I rise in opposition to this bill. I say reluctantly because again we as a Senate are on record of doing everything that we can to help agriculture. However, I think sometimes the intent is not matched by the actual legislation that we propose. This is to set up a loan fund. I don’t know where the money is actually going to come from, but a loan fund for new farmers. I think existing farmers and those in the agricultural community have a number of serious problems existing right now. We would be better served to ease their tax and regulatory burden than trying to set up a new fund. Thank you.”

Senator Nishihara rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“I wish to speak in favor of S.B. 1153, H.D.2. This legislative session has seen many gains for our agricultural industry. One of the important pieces to complete the process of securing greater food production and ensuring the expansion of locally grown food to be made available to our public, is the financial piece. This bill is intended to make loans available to new farmers at affordable rates through the New Farmer Program. It sets the following; qualification of new farmers based on ability, experience and training; substitutes the Future Farmer of America graduates with those of the National FFA organization; reduce the number of credit denials for class “F” loans; sets the Program interest rate for “F” loans at 1.5 percent below the prime rate at 6 percent whichever is less; and finally, reduces the minimum interest rate for agricultural loans made under Chapter 155 (HRS) from 3 to 1 percent. This will also increase the Program loan limit to \$250,000. Our Department of Agriculture believes that these provisions will aid in the expansion of our struggling agricultural industry. So members, I ask for your support in helping to lift the burden that our farmers now face, and vote in favor of this bill.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1153, S.D. 1, and S.B. No. 1153, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

FINAL READING

Conf. Com. Rep. No. 7 (S.B. No. 281, S.D. 2, H.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 7 be adopted and S.B. No. 281, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure and said:

“I’m voting ‘no’ on this bill because it creates yet another new special fund, the animal industry special fund. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 7 was adopted and S.B. No. 281, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ANIMAL INDUSTRY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 8 (S.B. No. 1493, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Fukunaga and carried, Conf. Com. Rep. No. 8 was adopted and S.B. No. 1493, S.D. 1, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHT POLLUTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Kouchi). Noes, 1 (Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 13 (S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 13 be adopted and S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Slom rose in support of the measure with reservations and said:

"Reservations please, Mr. President, because it does increase and add new fees. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 13 was adopted and S.B. No. 1519, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATORS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 16 (S.B. No. 1277, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 16 be adopted and S.B. No. 1277, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose in support of the measure with reservations and said:

"Likewise, reservations on this bill. It adds stronger regulation for the legal services plan industry, but it also adds a requirement for a \$100,000 bond and new fees. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 16 was adopted and S.B. No. 1277, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 17 (S.B. No. 142, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Ige and carried, Conf. Com. Rep. No. 17 was adopted and S.B. No. 142, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DAMS AND RESERVOIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 18 (S.B. No. 14, S.D. 2, H.D. 1, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 18 be adopted and S.B. No. 14, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Nishihara rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"I wish to speak in favor of this bill. In light of the disaster of the Kaloko Dam on the island of Kaua'i, there is no one that would dispute the importance of identification and assessment of the safety of our dams and reservoirs. What this bill does is to fund through general obligation bonds into the Agricultural Development and Food Security Special Fund for dam, reservoir, or irrigation system improvements. It also calls for water quality testing and improvements thereof to assure the safety of the public. This strengthens our support for our farmers and our important agricultural industry.

"Colleagues, I ask for your support by voting in favor of this bill before us today. Thank you, Mr. President."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 18 was adopted and S.B. No. 14, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 20 (S.B. No. 298, S.D. 3, H.D. 3, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 20 be adopted and S.B. No. 298, S.D. 3, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"I rise in strong support of SB298, CD1 which creates a new business model.

"We continue to learn the importance of being responsible corporate citizens.

"Because the life of our land and of our people is what makes us successful, it is important to support measures in which the goal is to ensure that business is able to operate in a socially and environmentally responsible manner and consider other qualities besides the bottom line.

"The sustainable business corporation model, outlined in SB 298, CD1, enables entrepreneurs and investors to pursue socially and environmentally responsible goals in the context of a for-profit enterprise where the directors and officers are empowered to consider factors other than profit when making their business decisions. A sustainable business corporation is able to pursue an innovative business model overseen by a director or directors with the specific responsibility to enforce the corporation's declared general or specific public benefit purpose.

"When a business is formed under this regulatory framework, it will not be penalized for pursuing its goals of operating in a socially and/or environmentally sound manner in addition to pursuing profits. It also creates accountability and transparency of social responsibility to the public. One goal of SB 298, CD1 is to enable and encourage businesses to be more responsible to the land and their communities. This type of stewardship will make all of us more successful.

“Mahalo to members of the private sector, our business schools and regulators for their foresight and assistance in crafting this forward-looking measure.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 20 was adopted and S.B. No. 298, S.D. 3, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BUSINESS REGULATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 39 (S.B. No. 1331, S.D. 2, H.D. 2, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 39 be adopted and S.B. No. 1331, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in support of the measure with reservations and said:

“While I think that it’s important that the University of Hawai‘i discloses the balances on all of its special funds and gives us an accurate listing, the bill has been amended in conference to only require additional information from the university for those special funds with a balance of \$1 million or more. As we heard in Ways and Means testimony, there are a number of special funds. They may not have that balance, but they may be significant, and the Legislature and the public should know about them. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 1331, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Kim).

Conf. Com. Rep. No. 40 (S.B. No. 1347, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 40 was adopted and S.B. No. 1347, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 41 (S.B. No. 1520, S.D. 2, H.D. 3, C.D. 1):

Senator Galuteria moved that Conf. Com. Rep. No. 41 be adopted and S.B. No. 1520, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Dela Cruz rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“The State of Hawai‘i has continuously supported the efforts towards reconciliation among the Native Hawaiian people and we must continue towards complete reconciliation. Senate Bill 1520 will provide long overdue recognition of Native Hawaiians as the only indigenous, aboriginal maoli people of Hawai‘i.

“Native Hawaiians are the last of the nation’s three major indigenous peoples who currently lack a formal government-to-government relationship with the United States. State recognition is an intermediate step for Native Hawaiians to ultimately achieve formal recognition on the federal level.

“This measure will establish a process for the reorganization of a first nation government by Native Hawaiians and its subsequent recognition by the State. This process will allow for recognition and ratification of governing documents and an interim first nation governing council. In addition, it establishes a nine-member commission to prepare, maintain, and certify a roll of qualified Native Hawaiian constituents.

“SB1520 will finally bring about the recognition of Native Hawaiians by the State of Hawai‘i in the same way the U.S. government recognizes Native Americans and Native Alaskans. SB1520 will enable the Native Hawaiian nation to negotiate directly with the State of Hawai‘i which will have long term financial implications and resolution of the Native Hawaiian issue for the state of Hawai‘i. The state can now move on.”

Senator Solomon rose in support of the measure and said:

“For nearly 30 years the state has wrestled with this divisive issue. I remember well as one of the original trustees of the Office of Hawaiian Affairs the hurt and sorrow expressed by our kūpuna over the trauma caused them by the ill treatment, belittlement, and discrimination that they had suffered in years past. There have been modest strides since then but much more needs to be done to perfect this reconciliation.

“Under this bill, the State of Hawai‘i formally recognizes the Native Hawaiian people as ‘the only indigenous, aboriginal, maoli people of Hawai‘i.’ We are the true Native people of this land; no one needs to tell us that. But to have the formal recognition by all the people of Hawai‘i, as accomplished here through this legislative action, is all important to the process that we embark upon.

“This is another step on the path toward the federal recognition of the Native Hawaiian people as the native people of the United States. It is a strong testimony and evidence for our case pending before Congress.

“Just as important as formal recognition, however, this bill also accomplishes many things. It enables the formation of a verified roll or listing of qualified Native Hawaiian people, another critical stride toward putting Native Hawaiians on an equal footing with the other recognized native peoples of the United States.

“As I said, we are the native people of this land. Nevertheless, we need to create the roll, a verified listing, of who we are by name and status so that all the world will know who we are... and that we stand up to be counted.

“I congratulate this Twenty-Sixth Legislature of the State of Hawai‘i and ask them to please support this farsighted legislation. Mahalo.”

Senator Galuteria rose in support of the measure and said:

“Mr. President, I’d like the words of the previous speaker to be inserted into the Journal as if they were my own. In addition, I’d like to share some comments about a term that we found in our discussions earlier in the session called ‘reasonable inference.’ Reasonable inference, of course, is partly sunny, partly cloudy. It’s up to you. Reasonable inference depends on how you wake up at the beginning of the day and how you see the world, through your own lens. The recognition of the maoli has been reasonably inferred enough.

“We can take a look at about five instances, as instructed by the Attorney General, when asked the question of whether the

Hawaiians are the maoli people of Hawai'i. Well, he said, in about five ways: the apology from the federal government reasonably infers that you folks are. You have the Admissions Act that reasonably infers that the Hawaiians are the maoli people of Hawai'i. But, I think today with this landmark legislation, we will no longer reasonably infer that the Hawaiians are the maoli people of Hawai'i. Included in this is also the roll call, which will be funded by the Office of Hawaiian Affairs, by the way, as they take their rightful place in this process, and in speaking to Senator Akaka this morning, he thanks the legislature for the initiative that we set forth in this next vote. With that, in support of this legislation, colleagues, we do ask you for your consent in this way. Mahalo."

Senator Slom rose in opposition to the measure and said:

"This bill has gone through six drafts. There have been many changes. I've sat through and participated in many of the hearings. And I think that the intent is quite clear and I certainly value and respect the words of both the good senator from the Big Island and the majority leader. However, I'm struck by the fact that what this bill is really doing is trying to find a way around the failed federal Akaka bill, failed for more than a decade. And, when we talk about reasonable inference, I don't think that any question has arisen here about the Native Hawaiian people, the laws that we have passed, the debates that we've had in the State of Hawai'i. I think that this bill really is aimed at the Congress. And just as when the apology resolution was passed and we were told it's not going to be used for any additional political purposes, it's a stand-alone statement, it's something long overdue, and this is what we deserve, and it's now justified, and we found out that that was not the true point, that it came back later on and was used in judicial, legislative and other conversations.

"I think that this bill goes far beyond what the intent and what the need is. I think that recognition is extremely important. I really don't think that anyone in this state has a problem with the recognition of the Native Hawaiian people. However, I do believe, after sitting through years and hours and hours of hearings about the proposed Akaka bill, and about blood quantum, and about lists, and about rolls, that people within the Native Hawaiian community themselves have issues about divisiveness and about selectivity. And I think what we should all be doing is finding ways to make sure that everyone is treated the same, that everyone gets the recognition that they deserve. Thank you."

Senator Kahele rose in strong support of the measure and said:

"This bill has been a long time in coming. This bill has been discussed here in this Chamber and among my colleagues, but more so it has been discussed for many, many years: that we are the indigenous people of this land. There are indigenous native Americans. There are native Alaskans. This bill, or its counterparts, have been discussed for many, many years by kūpuna who are no longer here today. This is just another step in recognition of the fact that our people, the Hawaiian people, that we are the host culture of these islands. We greeted all that came here with aloha.

"I was born in a fishing village, the last Hawaiian fishing village in the State of Hawai'i, the Territory of Hawai'i: Miloli'i. In the year 1942, when I was born, predominantly all of the residents there were Hawaiian: my kūpuna, my parents, my uncles, my extended 'ohana in that small fishing village. They spoke the language of these islands, 'olele o Hawai'i. I am an American. I served in the United States Marine Corps. I volunteered to serve. When my country asked me to do whatever to protect these islands and protect this nation, I willingly served. But the time has come for all of us to serve. We use the words aloha. We use the words Native Hawaiians.

It is time that the state and residents of this state, with no question in my mind, that they know, the majority of the residents of this state, know that this issue of recognition of the Native Hawaiians, its time has come. And as a freshman Senator, serving in this body, this august body of my colleagues, I ask for your strong support.

"For years, Senator Akaka has taken this issue to the United States Congress, and for years we tried, and for years in the House of Representatives it passed with the good help of the present Governor, Neil Abercrombie, and could never get it through the Senate for one reason or the other, whether it was the presidency that represented another party. Now, having said all of that, I want to thank all of my colleagues who are in support of this bill, and even I recognize the minority's opinion for his reasons why the bill should not be supported, but I ask all of my colleagues and all of the residents of Hawai'i to understand that this is the right thing to do. This is the pono thing to do.

"The Renaissance of the Hawaiian people started many, many years ago. For me, it started 30 years ago. And with those brave warriors who decided to occupy Kaho'olawe, the likes of Walter Ritte, Charles Maxwell, George Helm, those that gave their blood and their soul to bring this issue about our Hawaiians and the problems that we all face, and we can use many excuses of why we are what we are today. But I can say this and I say this from my kupuna, and I say this from my grandmother, a lady of pure Hawaiian blood, and blood quantum doesn't have anything to do with all of this. Yes, it does, and it doesn't. It has all to do with the word 'aloha,' and I recall as a young man in the fishing village of Miloli'i, when any stranger or anyone came into the village, when they approached our house, whether it was my dad or my grandma or my tutus or my kūpuna, they would say, 'e komo mai. E komo mai ika hale.' E komo mai and have food with us whether we had food or not, and whether it would just be a glass of water or anything offered in respect of the stranger. It is only in Hawai'i that we did that. And until today it continues, and as I look at my Senate colleague, Senator Suzanne Chun Oakland, and I can see and I can feel her pain for the homeless among our people. There are many that are on the beaches today, and they are of Native Hawaiian ancestry, and they need to be helped. And as the good governor has said, 'We need to stop attacking each other and we need to work together and help each other.' So, I ask all of my colleagues, that this is a very, very important issue today, the recognition of the Native Hawaiian people, and the time has come. Mahalo nui loa."

Senator Solomon rose and said:

"I just would like to submit these remarks in support of the previous speaker's remarks. This is The Queen's Prayer that was written by Queen Lili'uokalani on March 22, 1895, while she was under house arrest at 'Iolani Palace. I just would like to, for my colleagues, I just would like to just end my mana'o with the last verse where it says, 'No laila e ka Haku, Ma lalo o kou 'ēheu, Kō mākou maluhia, A mau loa aku nō.' 'And so, to our Elders, protect us beneath your wings, and let peace be our portion, now and forever more.' Mr. President, this is the kauna of this bill. This bill goes beyond recognition. This bill asks and helps to heal the kaumaha, the heaviness, that the Hawaiian people have carried, not since statehood, Mr. President, since the illegal overthrow of the Hawaiian Kingdom.

"You know, my great grandfather, Tutu Kaaiia fought to restore the queen. He was imprisoned in those barracks that now we use as a room to socialize. The Hawaiian people were tortured in there, Mr. President. They were stripped down and they were, what, sprayed with cold water, hoping, hoping, Mr. President, that they would speak against the queen. My 'ohana believes to this day, Mr. President, this is how my great grandfather died from tuberculosis, and many of the Hawaiians

that were imprisoned at the time. Although I have great respect for our minority leader's remarks, but I see this as more, beyond what his remarks were all about.

"I just saw an interesting documentary on PBS that was aired Sunday on forgiveness and healing, analyzing the process of repairing nations that have been torn apart by civil wars. Our own country went through that after the Civil War. This isn't something new to democracy. This is what democracy is all about. Yet the willingness for people to stand up and face each other and say, 'You know, this was wrong.' This is what this bill is all about. I don't want my daughter being raised or being brought up in Hawai'i with all of this, as I say kaumaha weighing over her no'ono'o, her po'o, her head. It's we in this legislature and this body that have the na'au within us because we know all these people that have sacrificed their lives. Frenchy DeSoto: her whole 'ohana was just here. This was from 1978, the Constitutional Convention, when we created the Office of Hawaiian Affairs. This precedent is so profound of what this great State of Hawai'i has done so far for the Hawaiian people that we need to pono this and go one step farther and to get the United States to recognize us.

"As my fellow colleague, the judiciary chairman, mentioned during the conference and I felt it within my pu'uwai when he mentioned this. This is an indigenous legislation. This isn't talking about a preferred class of people. This isn't talking about the Hawaiians per se. This is an indigenous piece of legislation that was recognized by the United Nations in 2010. So, with this, Mr. President, speaking in support of my kanaka maoli who sits here next to me to the right, to his remarks, I'm urging all of my colleagues not only to support this legislation, but to advocate it on behalf of the Hawaiians. Mahalo nui."

Senator Ryan rose in strong support of the measure and said:

"As the Senator representing one of the largest communities of Native Hawaiians on O'ahu, as a kanaka maoli myself, and someone that grew up in the largely Hawaiian community of Moloka'i, I'd like to say to my colleague from Hawai'i Kai, we're not asking to be better than or special. I respect your comments. Oddly enough, my non-Hawaiian father was diligent in teaching me as I grew up that as Hawaiians we have responsibilities and as the indigenous people of this state, we do have rights. Our own Hawaiian history has shown us that. A lot of things have not been remedied. Many things have taken place both legally and historically to attempt to make corrections to what is wrong.

"Our ali'i had the foresight to create trusts because they saw what could happen. Department of Hawaiian Home Lands was created because the prince knew someday we may not be of our own 'aina. It's proving true. As I campaigned I saw a lot of issues we still need to work on. This bill is not the be-all solution for our people. It's just one more tool. I urge my colleagues to support this and thank you in advance. Aloha."

Senator Hee rose in support of the measure and said:

"This legislation is the first step in a long journey that began in 1893 with the overthrow of the kingdom. This legislation sets forth a path of recognition of Native Hawaiians, the indigenous people, with the state government. It facilitates now the negotiations directly between the Native Hawaiian nation and the state government of Hawai'i. This is not unique legislation. Indeed, nearly every one of us here belongs to an indigenous people. Nearly every one of us here is a member of an indigenous nation. It's just that that indigenous nation is not home to these islands. It is home to somewhere else.

"For most of us here, we are familiar with colonial conquest of imperial governments because most of our people are conquered people. Our indigenous ancestors were conquered by imperialists who colonized us, usually through the means of a

foreign religion, and at the end of the day, through the means of criticism of what our behavior was, contrary to the colonial government's. In the case of Hawai'i, a colonial intervention happened not once, but twice. I have spent most of my adult life in search of an identity. That is not unique to Hawaiian people. I have spent most of my adult life learning the language of my ancestors because inherent in the language is our identity. Two generations ago, my grandfather was born a citizen of the kingdom of Hawai'i in 1888. That's not a long time ago. It's two generations. At the age of five, his government was seized illegally by America.

"At the overthrow of the kingdom, President Cleveland sent Ambassador and former Congressman Blount who submitted a report that at the end of the day but for President Cleveland's unsuccessful re-election as president to William McKinley, the kingdom would have been returned, as it should have been. William Oleson, one of the annexationists, who conspired with Williams Stevens at the overthrow, became the first principal of the Kamehameha Schools of which I am a graduate. Kamehameha Schools became the first school of English immersion, and thus began the unraveling of who we are as Hawaiians by the unraveling and diminishment of our language. That is the way to take away a person's identity and by that virtue, that person's dignity. The Queen as deposed visited the Kamehameha Schools in the early 1900s. When she did so, the boys of Kamehameha stood and sang Hawai'i Pono'i, the song of sovereignty that all of us sing on occasion, most of us, without knowing the meaning of Hawai'i pono'i: that we will pick up our spears and defend our nation, Hawai'i pono'i, makua lani e, Kamehameha e. And when the queen drank from a cup of coffee, not a student among them would touch the cup because she was their mo'i wahine.

"This legislation restores a small measure of dignity to the first nation, the first nation of these islands. I said this on occasion: 'no la kou no kou la kou po'o po'o. That is taught by the kūpuna. To you alone belongs your thoughts. To them alone belong their thoughts. The recesses of that journey of pain belongs to them. There are a thousand indigenous people, nations, in the 50 states; 760 of those nations are federally recognized. There are a handful of nations that are recognized by individual states. This is not new legislation. There are those who would say everyone should be treated the same. Ask my grandfather. Ask him. Ask Lili'u, who was put in jail. Like the first speaker on this bill, I too served at the Office of Hawaiian Affairs and I am fully aware of my brothers and sisters who would reject this legislation. And I know why: because they reject the state government, they reject the United States of America. This is not hard. No legislation will get them to accept. Just as the majority leader of the House in conference said, 'somebody gonna sue.' Of course, somebody gonna sue. If this legislation wasn't important, nobody would sue. It is because it's important, but could you imagine my thoughts on listening to the House majority leader that somebody gonna sue after we passed Act 1? Somebody gonna sue? Of course. Because Act 1 is important legislation. And no wordsmithing of a new law of this importance could prevent Bill Purchase, Kenneth Conklin, Twiggy from filing a lawsuit. Bring it on. Bring it on. Because the facts of history will not change, the feelings of the indigenes will not change, and this issue will not go away. This legislation is the first step to reconciliation. This legislation sends a message to every member of Congress, and this legislation, supported by the Governor of the State of Hawai'i, begins a cooperative relationship between the Hawaiian people and the State of Hawai'i. Thank you, Mr. President."

Senator English rose in support of the measure and said:

"May I ask that all the words of all of those who spoke in favor of this be incorporated as though they were my own.

"In addition, Mr. President, let me just say this, that my district, Moloka'i, Lāna'i, East Maui, Hāna, I was just looking at the recently released census numbers, and I can tell you that Hāna has dropped in its percentage of Native Hawaiians; we're down from 69 percent to 64 percent. Moloka'i has dropped from 63 percent to about 61 percent Native Hawaiian. What I'm trying to paint here, is that we have huge pockets of our people that have been disenfranchised, have been unincorporated, have been made to feel as if they are 'others' in their own homeland. So, this particular measure is the first step in us as a state not waiting for the federal government, not waiting for Congress, not waiting for the United Nations, not waiting for some outside entity, but us taking some action to rectify this very bad situation.

"Both senators from the Big Island spoke about the long wait of our people, spoke about the homelessness of our people. I can tell you that when I go home to Hāna, I have many people coming up to me and they're not quite understanding the work that I do, but saying simple things like, 'Are we getting some land back? Can we build houses on our hui land?' So this is the beginning, and I want to emphasize that. This is the beginning. It's not the end. In fact, now that we're going to formalize the process, maybe, just maybe, we can begin dealing with all of the outcomes of that overthrow: the homelessness of our people, the landlessness of our people, the loss of language. Let's take that up for a second. You know, this Senate for the last eight years has passed a bill asking for equality of language use in state government. This Senate, and I'm very proud of each and every one of you. I cannot say the same for the guys in the lower house. The House of Representatives each year refuses to pass the bill. And we have a bill that simply says, 'Use Hawaiian and use English.'

"We've had the Comptroller under the Lingle Administration come in and I think the first year they said it's going to cost us \$30 million to do this. Excuse me, if you go to a Macintosh computer, you can have your whole operating systems in Hawaiian if you want. And that's free. This new administration, for some reason, I saw in the testimony, opposed our language bill, which strikes me as very odd, very odd indeed. But you see, this measure before us gives us the basis now to push the House to now pass the language bill, to push ourselves to allow some things that we've not allowed for everyone else. Let's use one example. You know, many Hawaiians have fractional interest in lands, but when they go to try and get a building permit, the county governments say, 'Oh, no, you don't own the land. You only own the little bit. We can't give you a permit to build a house.' So, what do they do? Okay, we move to the beach. Then the city government comes and says, 'Tsk, tsk, tsk. You shouldn't be living on the beach. Move somewhere else.' So then they move to the parks. Then what happens? The city government says, 'Oh, we're going to pass a law saying you cannot live in the parks.' Where do they go? They go to the median strip on the sidewalk, and what does the city government do? Pass another bill saying, 'Oh, I'm sorry. You cannot live on the median strip on the sidewalk.' You know, guys, the only safe harbor left for them is our front lawn on this Capitol building. And all of this for somebody that has a fractional interest in land, that wants to put a house on it, and the city government says, 'no.'

"So, I'm saying all of this because don't think that this ends the debate. Not at all. It causes us to organize ourselves, yes. We've had a number of attempts at this. You go back to Ka Lahui Hawai'i. You go back to Bumpy Kanahale. You go back to all of the groups that were well-practiced at constitutional conventions. OHA spent I-don't-know-how-many millions doing Kau Inoa, but you know I never did Kau Inoa because I don't know who has the information. I don't know what they did with it. I don't know who owns it. I didn't trust that data base. I still don't. Where is it? Who owns it? Anybody ask that

question? Anyway, we've had a lot of practice. This one now puts it into reality. This one says, 'Okay. Go ahead. We'll help you establish a process.' And then the key part is we step back. The state steps back and lets the roll go. Once the roll is established, it's up to us as Hawaiians to make it work.

"So, Mr. President, members of the Senate, I just want to say that this is the beginning; it's not the end. And the first things we have to address as the Senator from Kāhala'u said: our language. Pass that bill, House. Pass that Senate bill that we've sent over eight years in a row. Are they scared of the word 'aloha'? Are they scared of the word 'mahalo'? Kokua? Just Auwē ka minamina e, iā lākou. Ua hewa paha lākou, kā lākou 'i'ini, kā lakou mana'o no kō 'ōlelo Hawai'i, ua pau 'ia? Auwē ho'i. 'A'ale aia o loko 'ōlelo Hawai'i i kēia Manawa, ua make kekahi. Ea? Na lākou, na lākou ka hewa. Na lākou ka hewa. Ua hewa lākou i ka hale. Kēlā ka 'oia'i'o 'o ko'u mana'o i kēia manawa. Okay. Please vote for this bill. Let us begin the process. Mahalo a nui."

Senator Kahele rose and said:

"I would be remiss in not saying that I appreciate the Hawaiian caucus that stood firmly behind this bill, and also a special mahalo to your leadership, Mr. President, and the leadership of this body, and especially to my colleagues Senator Hee and Senator Solomon. Mahalo a nui loa. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 41 was adopted and S.B. No. 1520, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 42 (S.B. No. 742, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Ige and carried, Conf. Com. Rep. No. 42 was adopted and S.B. No. 742, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Dela Cruz, Kim, Solomon). Noes, none. Excused, 2 (Green, Kouchi).

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

Senator Dela Cruz moved that Conf. Com. Rep. No. 44 be adopted and S.B. No. 2, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Dela Cruz rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"To date, the State has been unable to quantify or properly identify all of the lands that are to be included in the public land trust inventory, determine whether certain information about each parcel of land would be useful, or investigate the most appropriate means of establishing and maintaining the public land trust information system. Senate Bill 2 will require the Department of Land and Natural Resources to do so.

"Testimony has argued that currently held parcels by the State acquired after Statehood that are not specifically described does a disservice not only to Native Hawaiians and their proper entitlements, but does a disservice as well to the general public of Hawai'i for whom these lands should provide greater public service and use. A complete and accurate inventory of public

lands is critical in order to clarify the amount of revenues derived from the public land trust. The State has a fiduciary obligation to Native Hawaiian beneficiaries of the public land trust. In an effort to satisfy this obligation, this measure requires the Department of Land and Natural Resources as well as all state agencies to report on each parcel of land it holds. In addition, it requires the Department of Land and Natural Resources to initiate and coordinate all efforts to establish a public land trust information system, and to complete an operational public land trust information system.

“The Department of Land and Natural Resources has already collected a substantial amount of information about lands that are in the public trust and established a database of information about these lands. Additionally, a further study and review of the trust status of those lands to which other state agencies hold title and the disposition of those lands must be completed. This study or review will enable the Department of Land and Natural Resources to verify the accuracy of or make amendments to the trust status of those lands as indicated in the existing database. Lastly, this measure will assist in the process of accurately describing parcels that comprise the public land trust.”

Senator Solomon rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Senate Bill No. 2, Relating to Public Land, requires the Department of Land and Natural Resources to initiate and coordinate efforts to establish public lands information system and database. It requires all state agencies to report and describe each parcel of land it holds, as well as the disposition and acquisition of each parcel and report any inaccuracies in any reports. The Bill also requires the Department of Land and Natural Resources to submit a progress report to the legislature.

“I can’t tell you how long we have wanted this work to be done. The State of Hawai‘i has been unable to quantify or clearly describe all of the land contained in its general lands inventory, on one hand, or in the public trust or ceded lands inventory, on the other.

“It’s an embarrassment. Moreover, it has not been possible to accurately quantify the amount of money earned by the State of Hawai‘i through the disposition of state lands, through leases, licenses and other dispositions. Neither has there been an accurate accounting of amounts generated from the disposition of lands in the general inventory versus the amounts realized through the disposition of lands in the public (ceded) lands trust.”

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

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

Conf. Com. Rep. No. 49 (S.B. No. 1555, S.D. 2, H.D. 2, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 49 be adopted and S.B. No. 1555, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Dela Cruz rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“The State of Hawai‘i needs to be competitive in the global economic marketplace. With the federal government rolling back its spending on economic stimulus, what do we rely on to stimulate tourism? What business climate do we have that encourages businesses to establish here? We should be focused on investing in our infrastructure as high-quality infrastructure is the backbone of our economy. It is what allows us to compete in the global economy. Our infrastructure is in desperate need of repair and we are falling behind.

“As the State faces a budget shortfall of \$1.3 billion dollars, State departments and programs need to be evaluated and a determination made as to where reductions could occur and still maintain the sustainability of each program and the operating budget. Departments such as the Department of Land and Natural Resources (DLNR) have been struggling the past several years due to budget cuts over the years. The department has seen a reduction in staff in its Division of Conservation and Resource enforcement officers.

“The State should look at this bill as an opportunity for the conversion of ineffective land use into a diverse growth industry. The state needs to focus on revenue-generating vehicles for each department to help sustain themselves rather than rely on the support of general funds.

“It is estimated that DLNR has jurisdiction over 1.3 million acres of land. Due to economic woes and fiscal limitations, the department has been hamstrung resulting in ineffective land use, dilapidated boat harbors, and unmaintained parks and trails. Senate Bill 1555 attempts to address these concerns by establishing a development arm for the department known as the Public Lands Corporation. The corporation will be a public land development program that makes optimal use of public lands for the economic, environmental, and social benefit of the people of Hawai‘i through aggressive diversified mixed use enterprises.

“Placing applicable public lands under the corporation’s jurisdiction, along with rehabilitating the supporting infrastructure, including boat harbors, parks, and trails, may help to create recreation and leisure areas, while also creating revenue-generating opportunities. The overall purpose of the corporation will be to generate revenues that may be used to offset the regulatory functions of DLNR.

“The corporation shall identify public lands that are suitable for redevelopment, initiate marketing analysis to determine the best revenue-generating programs for the public lands identified, enter into public-private agreements to appropriately redevelop the public lands identified, and provide the leadership for the redevelopment, financing, improvement, or enhancement of the selected redevelopment opportunities. For example, one of the areas the corporation looks to rehabilitate is small boat harbor facilities. Redeveloping the boat harbors and entering into public-private partnerships can generate new revenue from everyday activities of such facilities.

“A collaborative effort to assist in this conversion includes the Chair of DLNR, the Director of the Department of Business, Economic Development and Tourism, the Director of Budget and Finance, the Hawai‘i Community Development Authority, and a three-member team of an executive director, planner, and project-development specialist.

“DLNR alone has been unable to effectively use its 1.3 million acres. It may be embarrassing that this State cannot generate a surplus although it holds one of the biggest real estate opportunities to generate such revenues.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 1555, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 57 (H.B. No. 680, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 57 was adopted and H.B. No. 680, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KAKAAGO," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20; Ayes with Reservations (Baker, Chun Oakland, Espero, Ige, Shimabukuro). Noes, 5 (Fukunaga, Gabbard, Ihara, Slom, Taniguchi).

Conf. Com. Rep. No. 60 (H.B. No. 985, H.D. 2, S.D. 2, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 60 be adopted and H.B. No. 985, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

"You know, we had a lot of discussion during the session and many of us were lobbied quite heavily about this bill, the design bill process, which is fine, but the idea that still came out of the conference draft on this bill is that those that bid and lose for the contract are still subject to getting paid. I don't think that is a good principle. I don't think it's fair. There are other things in the bill that are good in terms of eliminating the number of bidders and other conforming statements, but this idea that the taxpayers will pay for losing bidders just is not equitable. Some of the supporters point out that in private industry the losing bidders do get a portion of payment because of their design or because of work that they do, and I think that that's fine, but I don't think that this is a good precedent. What this would mean is that in every project, the taxpayers would pay the highest price. Thank you."

Senator Kim rose in opposition to the measure and said:

"Mr. President, I, too, agree that this bill will pay losing bidders at a time when the state can least afford to pay this kind of money, and I know the opposition or those in support have said that it will support the small contractors, the small bidders, and yet it also will pay the large companies, the large bidders, and they're more likely the ones to bid, they're more likely the ones to get money for this, and I just don't think that this is one of our priorities, and we really need to prioritize where we spend our dollars. Certainly, the language says 'may' but when you say 'may' that means we have no control over deciding who will decide when they will actually begin to pay these contractors. There's a case where they may not pay the small contractors and only pay those bids that have large contractors. So, I cannot support this measure, Mr. President. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 60 was adopted and H.B. No. 985, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20; Ayes with Reservations (Kidani, Nishihara, Ryan, Wakai). Noes, 4 (Hee, Kim, Slom, Solomon). Excused, 1 (Galuteria).

Conf. Com. Rep. No. 84 (H.B. No. 945, H.D. 2, S.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 84 be adopted and H.B. No. 945, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Tokuda rose in strong support of the measure and said:

"While this measure has caused controversy, resulted in the proliferation of much misinformation, and has flared many emotions, I do believe that calmer heads did prevail when this conference draft was created, and we have before us our best effort to comply with Act 167 while being cognizant of our fiscal and logistical realities. This measure requires 50 percent of our elementary schools to comply with this measure this school year and 100 percent of our elementary schools to comply with Act 167 by next school year. It does push back compliance for secondary schools at least initially until 2014, but we do call for reports as early as this September to keep the fire under the department and our schools and to adhere to the Legislature's will and intent to add rigor to the school day and calendar. I should also note that we have not forgotten or lost sight of the bill's original intent, and we have provided a much-needed exemption from the provisions of Act 167 to our multi-track schools. While these schools face significant challenges in regards to both scheduling and facilities, I think it is important to note that three out of four multi-track schools make Annual Yearly Progress and do their very best for their students despite the fact that they are in this situation, because we have not been able to meet the demands for facilities amidst their communities' growing population and school needs.

"Responding to the good senator from Hana's concern about the exceptional circumstances of one of his schools, we have also included in the conference draft the ability for the Board of Education to grant exemptions to schools on both the day and hour requirements of Act 167. At the end of the day, we are doing our best and remain committed to fulfilling the Legislature's will to increase and lengthen school days. I'd like to take this opportunity to thank the Ways and Means chair and vice chair for their support in funding furlough restorations to the tune of over \$120 million over the biennium to ensure that the resources are there to maintain and fund 180 instructional days. That being said, I think we all know that seat time alone does not result in increased student achievement. It takes such things as highly effective teachers, parental and community engagement, and the application of resources and support where it matters most. Working with my colleague in the House, I remain committed to not only focusing on the implementation of Act 167, but doing what is necessary in all areas of educational policy to increase student achievement and success for all of our students. I humbly would ask for your support in the consideration of this measure. Thank you."

Senator Slom rose in opposition to the measure and said:

"I have followed the bill through all of our Education hearings. I commend the Senate Education chairman, as well as the Ways and Means chairman, but when all is said and done, we had an obligation, and the obligation was to restore the number of instructional days and instructional hours. The public demanded it. Teachers demanded it. Parents demanded it. And, yes, even some of the students demanded it. And what did we do? Well, while I agree with the Education chairman that just the number of days or the number of hours themselves are not a guarantee of success or of educational attainment, the fact of the matter is we used to have 180 days. And then we went to the lowest common denominator in the nation with 166 days and everyone was appalled, not only here but also across the country, and we vowed to restore and to put back what we had because after all, as we say every day, the two things that are most important to us are our keiki and education. And so we passed Act 167. And then it came time to implement that.

“We also had another bill that had to do with bullying, cyberbullying, and so forth. I never saw as much bullying as I did from the HSTA union this year. The HSTA drove this legislation. They didn’t want their members to work. They didn’t care about the keiki. They cared about money. And they threw out a figure of \$55 million that it would cost each year to go back to where we had been before at a 180 instructional days and hours, and nobody that I know of has done an analysis of that \$55 million. I don’t know if they’re telling the truth. I don’t think they are, but nobody took the opportunity to check their figures. Why? Because it was from the HSTA. And I’ve been told they have a great deal of power in this building and around this community. But it was not for the betterment of education or for our keiki. And when we say we’re going to do something and we establish our priorities, then we should darn well do it, because that’s why the public gets frustrated with us. It’s all talk. And something as simple as this, we should have had resolve and said, ‘We’re going to do it for the keiki, and for the teachers, and for the parents.’ But instead we’re putting off half of the schools, the elementary schools for another year, and all of the secondary schools. And we’re still debating at this late date the definition of ‘instructional hours.’ It didn’t seem for 50 years that that was a problem, but it became a problem last year.

“Instructional days, instructional hours, these are all smoke screens. The DOE, the HSTA, get plenty of money, the most money that the taxpayers pay for any function in state government, and yet the question is how wisely they use it. And so, while I appreciate all of the efforts that went into trying to reach a compromise in trying to please everybody, in the end, the only one we really pleased was the HSTA. Thank you.”

Senator Tokuda rose in rebuttal and said:

“While I respect the words of the minority leader, especially in his reference to the cyberbullying and bullying laws that we passed, and as the focus of much of the bullying in the last few weeks from the teachers’ union in relation to this particular measure, I can assure you that the measure we’re voting on today does not please the teacher’s union, that it does hold their feet to the fire, as well as a number of education institutions and our Department of Education. This is not as easy to comply with as simply putting dollars on the table. There are logistical issues, and I would ask that any of you who have concern about this, talk to every single one of your principals tomorrow and ask them how easy is it going to be for them to comply with the provisions of Act 167, as it relates to school hours. But as I said before, as a subject of much of the bullying, to imply that this bill has been done to appease the teacher’s union is a farce. So, please, again, I ask for your support in this measure, and I would also ask that if you have questions as to this measure, talk to your schools. Thank you.”

Senator Ige rose and said:

“I just wanted to add a couple comments on this measure. What just lost in this is 31 or 38 schools already meet the requirements and at many of those schools the teachers have already volunteered to teach longer hours on behalf of our children. So, I just wanted to state that for the record. I do know that that is the case at Pearl Ridge Elementary School that my children went to, that committed teachers are out throughout all of public schools already sacrificing and giving time to our children. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 84 was adopted and H.B. No. 945, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Espero, Green, Slom).

Conf. Com. Rep. No. 87 (H.B. No. 605, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 87 was adopted and H.B. No. 605, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Dela Cruz). Noes, 3 (Kim, Slom, Solomon).

Conf. Com. Rep. No. 88 (H.B. No. 1085, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 88 be adopted and H.B. No. 1085, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in support of the measure with reservations and said:

“Mr. President, please have my reservations because of the fee increase here for registration certificates for qualifying patients for medical marijuana. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 88 was adopted and H.B. No. 1085, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 90 (H.B. No. 1079, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 90 was adopted and H.B. No. 1079, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FEES FOR HABITAT CONSERVATION PLANS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 91 (H.B. No. 1000, H.D. 2, S.D. 2, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 91 be adopted and H.B. No. 1000, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Slom rose in opposition to the measure and said:

“I’ve been in opposition to the enhanced 911 monthly surcharge for all cell phone users for years because the money was collected for a specific purpose. Well, it came about. We still continue to collect that fee. Now what we’re going to do with this bill is we’re going to expand the monthly fee to users of all other electronic communications connections. So, it is a tax increase in disguise and, again, no one really is looking at the oversight of how this money is being used.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 91 was adopted and H.B. No. 1000, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENHANCED 911 SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 12:01 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 p.m.

Conf. Com. Rep. No. 94 (H.B. No. 423, H.D. 1, S.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 94 be adopted and H.B. No. 423, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“You know, we’ve had this bill before on several occasions, but I would remind my colleagues that there is a very important issue involved with the issuance of this \$40 million in these bonds, and it goes to the heart of the company that’s involved specifically. Jonathan Roberts is the licensing associate with the University of Hawai‘i, and there is a question, there’s still is an issue, that was brought up several years ago, has not been resolved, about this company. And what Roberts said was that Carbon Diversion was licensed to use flash carbonization and other patents developed by University of Hawai‘i professor Michael Antal, that the company cancelled the licenses saying that it had developed its own technology for which it has applied for patents. ‘We have no way of knowing whether it infringes on our patents (meaning the University of Hawai‘i) or not,’ Roberts said. He also said that in looking at the process itself, he’s not sure that the company has been able to successfully demonstrate the use of its technology. And I would remind colleagues that Carbon Bio-Engineers, Incorporated, was created after the hostile takeover of its predecessor Carbon Diversion, Incorporated, by a company that later became the subject of a Securities and Exchange Commission investigation into a ponzi scheme. Colleagues, I would think twice before supporting this bill. I cannot.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 94 was adopted and H.B. No. 423, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Nishihara, Solomon). Noes, 1 (Slom). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 96 (H.B. No. 1286, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Ige and carried, Conf. Com. Rep. No. 96 was adopted and H.B. No. 1286, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIOENERGY HAWAII, LLC,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 99 (H.B. No. 828, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Hee and carried, Conf. Com. Rep. No. 99 was adopted and H.B. No. 828, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 100 (H.B. No. 838, H.D. 2, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 100 be adopted and H.B. No. 838, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in support of the measure with reservations and said:

“I note that when we had discussions in Ways and Means and asked questions of the Reapportionment Commission and the Elections Commission, it was downright embarrassing in terms of the figures and the explanations they gave. And I note also that the final version of this bill actually increases the original appropriation amount by nearly 50 percent to \$664,430. We all know that reapportionment is taking place this year. It is important. It is necessary, but I think we need to keep a fiscal rein on those that are involved in this process. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 100 was adopted and H.B. No. 838, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAPPORTIONMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 101 (S.B. No. 1089, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 101 was adopted and S.B. No. 1089, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISLOCATED WORKERS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 102 (S.B. No. 1328, S.D. 1, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 102 be adopted and S.B. No. 1328, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“This bill will increase the state portion of the registration fees for every motor vehicle owner. Last year we had an increase by the City and County. We also have threatened increases by the City and County because of our action we’re going to take today on the transient accommodation tax. People that are looking at their motor vehicle registration annually, find that it has gone up tremendously. With bills like this and the next one in order, it’s in addition to the tremendous price that we’re paying for gasoline, for service repairs, because of the fourth-world conditions of our roads and everything else. I don’t think it’s fair to place increasing burdens on the drivers of our state. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 102 was adopted and S.B. No. 1328, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20; Ayes with Reservations (Dela Cruz, Solomon, Wakai). Noes, 4 (Espero, Green, Kim, Slom). Excused, 1 (Galuteria).

Conf. Com. Rep. No. 103 (S.B. No. 1329, S.D. 1, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 103 be adopted and S.B. No. 1329, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“Likewise, I am voting against this bill because this is the other part of it. It increases the state portion only of the weight tax. It increases it substantially. Thank you.”

Senator English rose in support of the measure and said:

“Just to point out that, you know, the counties have been raising these taxes as well. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 103 was adopted and S.B. No. 1329, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Dela Cruz, Espero, Kidani, Nishihara, Ryan, Solomon, Wakai). Noes, 2 (Kim, Slom). Excused, 1 (Galuteria).

At 12:09 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:56 p.m. with the Vice President in the Chair.

Conf. Com. Rep. No. 104 (S.B. No. 163, S.D. 1, H.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 104 was adopted and S.B. No. 163, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

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

The motion was put by the Chair and carried, Conf. Com. Rep. No. 104 was adopted and S.B. No. 163, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STATE BONDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Slom). Noes, none. Excused, 1 (Hee).

Conf. Com. Rep. No. 106 (S.B. No. 1274, S.D. 2, H.D. 3, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 106 be adopted and S.B. No. 1274, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Green.

Senator Slom rose in opposition to the measure and said:

“I know a lot of work was put into the bill and there’s been a lot of discussion, a lot of testimony, and I’m sure that my colleagues have received a number of testimonies, late testimonies and concerns, about this bill as well. I’m voting ‘no’ because this bill does a lot of things that I have problems with. It adds more fees. It also adds, I think, more bureaucracy and, as we’ve seen from some of the late communications that we’ve received, a number of patients are unhappy with some of the changes in the provisions in trying to match the federal law. Thank you.”

Senator Baker rose in support of the measure and said:

“In Hawai‘i, as with most of the nation, health care is undergoing immense changes. In order to ensure that we continue to have ownership over what is best for our state, your conference committee recommends passage of S.B. No. 1274, C.D. No. 1, an administration bill based on model legislation adopted by the National Association of Insurance Commissioners in response to provisions in the Affordable Care Act. I know many of you, as the previous speaker noted, have been contacted to oppose this measure, and unfortunately the opposition has chosen to vilify the CPN chair as being anti-consumer. I take great exception to that characterization and want to offer a few remarks to clarify what this measure is about, its rationale for passage, and to refute some of the misinformation contained in some of the email we’ve received.

“On July 1, Hawai‘i’s current law that outlines a process for a few people to use to dispute a denial of claims by their health insurance plan will be overridden by the provisions of the Patient Protection and Affordable Care Act. It will no longer be available to any of our consumers. The ACA requires use of an independent review organization to handle disputed claims. The IRO is a fair pro-consumer process that is a streamlined process and is used in many other states and for disputes regarding Medicare claims. Hawai‘i’s current law does not utilize this process and is not in compliance with federal law.

“Your committee believes that Hawai‘i should be driving the crafting of a compliance process that includes an independent review organization at its heart. The current law that the opponents of this legislation laud is currently not available to most of Hawai‘i’s health insurance consumers. Let me explain. In 2004, the Hawai‘i Supreme Court ruled that health care consumer employees of businesses covered by ERISA could not access the process, the external review process, outlined in current Hawai‘i state law.

“In 2008, based on an Attorney General opinion, EUTF members were also exempted from the state’s external review process. At this time our external review process only handles a few individuals, less than one complaint a month on average, of non-group members and some Medicaid members, and we are having a difficult time finding physicians to volunteer to serve on the current panels called for in our current statute. The process is costly, time-consuming, and does not help the vast majority of our health insurance consumers. We need a fair review process that all our citizens can utilize, and this bill is a step in that direction. Medicaid offers an administrative hearings process at the Department of Human Services and disputed services can continue to be paid for while the hearing officer hears the case. One of the provisions of this bill is to review the DHS administrative process which is overseen by the centers for Medicare and Medicaid to ascertain if this population should also be rolled into the IRO process. The EUTF process will be reviewed as well. It is this chair’s belief that all of our people should have access to an independent review organization process, and the information requested in this bill will give the 2012 Legislature the basis for that discussion. Also, in an abundance of caution, the bill provides that the current flawed statute will return to the books if ACA is deemed unconstitutional.

“This legislation, S.B. No. 1274, C.D. 1, will enable Hawai‘i to have ownership over shaping the IRO process for Hawai‘i, rather than a version imposed by the federal Department of Health and Human Services. It is a process that has been used successfully in other states and for thousands of Medicare recipients.

“Additionally, in an abundance of caution, we have inserted language that will allow the state to revert to the previous external review process should the Affordable Care Act be found unconstitutional. Madame President, your committee has

worked diligently on this measure, and I ask all of my colleagues to vote to move this measure forward. Mahalo.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 106 was adopted and S.B. No. 1274, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Espero). Noes, 1 (Slom). Excused, 1 (Hee).

Conf. Com. Rep. No. 107 (S.B. No. 1221, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Ryan and carried, Conf. Com. Rep. No. 107 was adopted and S.B. No. 1221, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROCUREMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 108 (S.B. No. 1348, S.D. 2, H.D. 3, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 108 be adopted and S.B. No. 1348, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Green.

Senator Baker rose to request that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

“Mr. President, colleagues, as I have stated before, this measure will help to advance healthcare in our state and could be the vehicle for giving us an additional amount of diversity in terms of our healthcare choices. It will set-up the framework for the Hawai‘i Health Connector, an internet portal whereby all of the qualified plans, either under the federal Affordable Care Act or under the Hawai‘i Prepaid Health Act would be posted allowing people to have access to information about those plans. They could compare rates. They could compare the elements in the plans. And it would also be a way that we can ultimately integrate our QUEST and Medicaid programs so that those individuals have choice as well.

“Your Conference Committee found that the federal Affordable Care Act requires each state to establish a health insurance exchange to regulate health insurance plans and distribute information. It is in the best interest of the State to retain regulatory control over all aspects of its domestic health insurance industry by creating the Health Connector. In order to assure this will be successful, your Conference Committee has clarified that qualified dental plans are included in all applicable provisions of the measure, funded \$750,000 from the appropriate federal fundings as well as provided an effective date upon approval with funding effective on July 1, 2011.

“I continue to believe that this is an important step forward. It frames a more informed, transparent marketplace for providing health insurance to our consumers. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 108 was adopted and S.B. No. 1348, S.D. 2, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 113 (H.B. No. 1368, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Slom and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 1368, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 114 (H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Shimabukuro, seconded by Senator Kim and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 1613, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VOTING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 120 (H.B. No. 1342, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Espero and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 1342, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 121 (H.B. No. 1060, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Fukunaga, seconded by Senator Ige and carried, Conf. Com. Rep. No. 121 was adopted and H.B. No. 1060, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 122 (H.B. No. 1089, H.D. 1, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 122 be adopted and H.B. No. 1089, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Slom rose in opposition to the measure and said:

“As I’ve said several times during this session and many previous years, this really is not a conformity bill. It is a selective conformity bill. I take particular umbrage with the fact that the personal exemption in Hawai‘i is one-third that of the federal IRS Code. In addition, however, there are other sections that would deal positively for investors, small businesses, and so forth. They are not conformed. So, if we’re going to talk about conformity, conformity means that we should take everything, and we don’t do that. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 1089, H.D. 1, 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,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 124 (H.B. No. 1405, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 124 was adopted and H.B. No. 1405, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Dela Cruz, Espero, Kahele, Solomon, Wakai). Noes, 1 (Slom).

Conf. Com. Rep. No. 126 (H.B. No. 1082, H.D. 1, S.D. 2, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 126 be adopted and H.B. No. 1082, H.D. 1, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Slom rose in opposition to the measure and said:

"Again, because it is yet another new special fund created."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 126 was adopted and H.B. No. 1082, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION AND RESOURCES ENFORCEMENT SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 128 (H.B. No. 1164, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 128 was adopted and H.B. No. 1164, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Espero, Ihara). Noes, none. Excused, 1 (Tokuda).

Conf. Com. Rep. No. 129 (H.B. No. 300, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 129 be adopted and H.B. No. 300, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Hee rose in support of the measure and said:

"I got back just in time as it turns out. I wanted to rise in support, but really, I wanted to take this opportunity to introduce to the members the staff of the Judiciary committee. Some of you who have been around when the last time I tried this gig, there was a president who's now in Congress and it was a different day, and the anxiety was much higher. The anxiety has lowered, not so much because of a different president, but because I have a staff that has been remarkably resilient under the toughest of ... In any event, as you know, I'm sure you know, otherwise you wouldn't be there, the budget does take into account many of the things that the Chief Justice had requested, but most of all, it restores the furlough days. I want to acknowledge the Chair of Ways and Means and the Committee on Ways and Means because it was very easy working with the committee, as was the counterpart on the House, Representative Agaran. He was very, very easy.

"So, with your indulgence, I would like to introduce my staff. Kala Enos, some of you know, seated here. Henry Kim is seated there. He just passed the bar; was a former Deputy Attorney in California and he tells me that he will be employed

by the Attorney General following session. Immediately behind me is Lehua Opedal. She is a Hoke and a Kamehameha graduate. He uncle is Sandy Hoke who some of you, if you've been around as long as I have, would recognize the name as a former member of the City Council. Lehua is singly responsible for the confirmation of judges, so it was a nice occasion this session to have her. I have always referred her as still-waters-run-deep, because she's very quiet but very focused in her work. Next to Lehua is Laila Goring. She is a student of political science. She is Mexican. She is a sovereignty advocate. She is very passionate. She was the one in charge with Senate Bill No. 1520, and she is the one that, when I drop the ball, she always had the ball. So it's very easy to work with Laila Goring. Sherrie Seki is a former Deputy AG with Department of Commerce and Consumer Affairs. Her glass is half-full; she found ways to make people smile and she's a tremendous asset in terms of keeping the agenda going forward. Lance Kobashigawa is next to Sherrie. He is singly most important, responsible for the judiciary budget. He is the one that was a literal nuisance to the judiciary, but he worked real hard and he got people real irritated, so I was very glad that someone could feel what that feels like. And Keiki Kipapa is one of our clerks, and she is on loan to me from the City and County of Honolulu. She took leave without pay to help shepherd the committee and keep the committee moving. There are a couple other members, Andria Pakele and Charin Tomomitsu, who also were very helpful. So, with those few remarks and the credit where credit is due, I would urge my colleagues to please support the budget. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 129 was adopted and H.B. No. 300, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 130 (H.B. No. 1566, H.D. 1, S.D. 1, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 130 be adopted and H.B. No. 1566, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

"We need to do a lot of work with our harbors. We have many problems, but the crown jewel, of course, is Ala Wai, and we've debated for years the fees that are being charged now, the need for repairs, and also the possible commercialization. This bill tries to put everything in one bill, but really hasn't satisfied all of the requirements. First of all, there still is a question about possible commercial use permits and how that will affect boaters, surfers, swimmers, and others in and around the property. In addition, it will increase moorage fees, and some people say, 'Well, that's long overdue. We should increase the moorage fees.' But it will also increase utility fees and common area maintenance fees. We don't know what those fees will be, and some of the boaters are concerned about the hearings process and the availability for input. In any event, it's going to be a hardship on boaters, and interestingly enough Hawai'i probably pales in comparison with the number of landlocked states in terms of the number of boats and boating facilities. So, our objective should be certainly repair, improvement, maintenance, and expansion of these facilities. This bill will not do that. Thank you."

The motion was put by the Chair and carried, Conf. com. Rep. No. 130 was adopted and H.B. No. 1566, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been read throughout,

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

Ayes, 22; Ayes with Reservations (Fukunaga, Galuteria). Noes, 3 (Green, Ihara, Slom).

Conf. Com. Rep. No. 131 (S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 131 be adopted and S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose in opposition to the measure and said:

“We have instituted surcharges for the indigents in the past. Now we’re going to increase those, and what it means is that the cost of justice and the cost of filing for everyone else is going to continue to go up, so it’ll be another basically a tax or fee increase. Thank you.”

Senator Hee rose in support of the measure and said:

“I’m not sure what the previous speaker means ‘another tax,’ because this fee is paid for by lawyers, and the part of the fee which began in 1995 is to support the indigent legal services, which include Legal Aid and other services for the poor people. Now, the previous speaker may imply that, ‘Well, because the attorney’s going to pay a higher fee for these indigent services, they’re going to charge more money for their work.’ Well, I hate to let anyone down by uncovering the surprise, but they’re going to do it anyway. It’s just like the hotel room tax: ‘Don’t raise it because if you do, the hotel’s going to raise the room price.’ Well, I hate to break it. They raise ‘em anyway. How this would somehow be construed as a tax is beyond me, unless if people pay more for private services that oftentimes they elect to engage in is form of taxation, then so be it. Everything is a tax, but the idea that there’s any public funds involved in this is not true. And at a time when the safety net has literally fallen out from under poor people, the idea that attorneys should now be required to pay anywhere from \$15 to \$30 to \$40 more to indigent legal services is long overdue and is only right so that attorneys can feel the pain of poor people that feel it on an everyday basis. So, I would ask for the support of the colleagues. Thank you.”

Senator Shimabukuro rose and said:

“Madam President, I’m sorry. I may have a potential conflict; I work at the Legal Aid Society of Hawai’i.”

The Chair responded that there was no conflict.

Senator Shimabukuro continued:

“And also, I’d like to have the words of the Chair of Judiciary and Labor Committee as if they were my own.” (The Chair so ordered, by reference only.)

The motion was put by the Chair and carried, Conf. Com. Rep. No. 131 was adopted and S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 132 (S.B. No. 1270, S.D. 2, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 132 be adopted and S.B. No. 1270, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“Again, we’ve talked about this year after year: about raiding the fund. First, we raided the interest. Then, we raided part of the corpus. Now, we’re taking more of the fund. The most interesting thing to me though, in this bill, is the end part which holds the state free of liability in case anything happens with a hurricane or any damage. The state will not be liable in any way. So, everybody else is liable, but not us, for raiding this fund. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 132 was adopted and S.B. No. 1270, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HURRICANE RELIEF FUND,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 133 (S.B. No. 651, S.D. 2, H.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 133 be adopted and S.B. No. 651, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“This is a very important bill. It’s a very important subject. It touches many people in our community and across the nation, and there was a great deal of deliberation and a lot of hard work put into the bill. I’m voting against the bill, first and foremost, because it does create a new special fund. In addition to that, however, while there are many desirable features in this bill, this bill is a very difficult one, and I think it gives false hope to people, particularly those that have faced, are facing, and will face foreclosure in the next several months. The bill kicks in in October. It requires mediation, but there’s no guarantee that it will stop a foreclosure process. In addition to that it treats all foreclosures basically the same: the person that has dutifully paid their mortgage and because of an illness or emergency or something else, something has happened to them, or the person that has refused to pay their mortgage for whatever reason over the years. It’s always more difficult to look at people as individuals and look at individual circumstances. Yet this bill, which is a big, hefty bill, attempts to do that. As I say, the intent is good: to try to get the mortgage lenders and the homeowners together.

“We don’t want people to go into foreclosure. We don’t want property to be lost. But both sides have responsibilities. We also saw the spectacle of out-of-state mortgage lenders coming into our state and telling us now they’re going to have a team on the ground and they’re going to do certain things. Where were they before? They should have done that. That’s one of the good features of the bill: trying to bring people together. But because of the special fund, because of the bureaucracy, because of additional fees and costs, I’m voting ‘no’ at this time. Thank you.”

Senator Baker rose in strong support of the measure and said:

“Before I review the measure, I want to say ‘mahalo’ to my staff and the extended staff from SMA that I’ve been so fortunate to work with on this measure, especially my SMA researcher Rebecca Anderson for her countless hours, late nights and weekends, working on this measure, even on a holiday. I also want to acknowledge and thank FACE, Faith Action for Community Equity, their leadership and their members for their advocacy and their steadfast efforts to assist us keep this measure on track. Mahalo for the input that we received from all the potential stakeholders.

“You know, this measure is truly a product of collaboration. Mahalo especially to the director and deputy director of the

Department of Commerce and Consumer Affairs, the Chief Justice, the Administrative Director of the Courts for their invaluable assistance in crafting the dispute resolution process embodied in this bill to ensure that it was workable and achieved our objectives on behalf of the owner-occupants in our state.

"I also want to recognize the members of the Mortgage Foreclosure Task Force created by the 2010 Legislature who assisted us in crafting meaningful reforms. I especially want to thank the task force chair, Mr. Stephen Levins, our state's consumer protector for his leadership and invaluable advice. Mahalo, Stephen. The task force would not have gotten any productive work accomplished or meaningful recommendations without your leadership. You will be missed as the head of the Office of Consumer Protection. I'm happy, however, that we will still have access to your knowledge, institutional memory, and expertise available to us when you go to the Office of the Attorney General.

"Finally, I want to acknowledge my House counterpart, Chair Robert Herkes from the Big Island, and his staff for their steadfast support of developing a strong consumer protection measure to help our distressed homeowners. This bill does that and if I'm to believe some of my email, this bill may well be landmark legislation. I do know that it is a measure that we can all be proud of.

"Contrary to the previous speaker's remarks, this measure goes into effect upon approval and although the dispute resolution provisions must be operational by October 1st, between the day that the Governor signs this measure and October 1st, there is a moratorium on all non-judicial foreclosures in this state. In other words, we're giving a time-out for our consumers so that they can wait for the provisions of this measure to kick in so that they will have an opportunity to either convert to a judicial foreclosure (that was one of the recommendations of the task force) if that best suits their interests, or they can go through the dispute resolution process and the thing that should be noted is that the dispute resolution process, if you go through that, and at the end of the day a home-owner determines that foreclosure is actually the best process for you and you're in non-judicial foreclosure, you can walk away without what I call the sword of Damocles hanging over your head because you will be able to get on with your life without a deficiency judgment. That, I think, is real protection for our distressed homeowners.

"I'm also pleased that we've put a much longer moratorium on the non-judicial foreclosure part I process, until the task force has an opportunity to convene during the interim and make recommendations to the 2012 Legislature. Thus, the legislature can act before the non-judicial foreclosure process would go back into play. You know, this is a measure that may not help everyone stay in their home, but it will help everyone have a fair process, a fair hearing, and it will not clog our judiciary. I think this is something that, as I said, we can all be proud of.

"And, while you might think that this has been a long-winded speech, I actually have a much longer set of remarks that I would like to have inserted into the Journal, because it goes over all of the merits of the measure, all of the provisions of this bill, to help Hawai'i's distressed, single-family and multi-family homeowners. This is a measure that doesn't just affect a resident who may be in a single-family dwelling, but it would help many of us who are condo owners and we want to make sure that there's fairness all around. So, Madame President, if I could have those extended remarks inserted into the Journal, and then I ask all of my colleagues to join me in voting in favor of this measure. Thank you."

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

"Mr. President, I rise in strong support of SB 651 SD 2 HD 2 CD 1.

"Over the past year, mortgage foreclosures in Hawaii have increased rapidly so that this state now holds the unfortunate distinction of having one of the highest foreclosure rates in the nation. While a portion of foreclosures in the state represent second homes, vacation homes, or timeshares, many more affect island families. Residential foreclosures also have an impact beyond the individuals and families who are directly affected. Widespread foreclosures disrupt communities by creating empty properties in neighborhoods and leaving the remaining members of planned community and condominium associations accountable for a disproportionate share of common expenses and responsible for additional maintenance on foreclosed units. Large numbers of foreclosures also impact this state's already overburdened housing market by forcing former homeowners into the rental market where their financial distress can be compounded by Hawaii's high rental costs.

"In the 2010 regular legislative session, the Legislature authorized the creation of a Mortgage Foreclosure Task Force through Act 162. Act 162 directed the Task Force to undertake a study to develop general and specific policies and procedures necessary to improve the manner in which mortgage foreclosures are conducted in the State and to submit reports of its findings to the Legislature prior to the 2011 and 2012 regular sessions. The task force has worked diligently at its assignment and has submitted recommendations for legislation. Some of these recommendations, as well as other policies, are contained in SB 651. The Task Force has reported that it plans to submit further recommendations for, among other things, reforming the nonjudicial foreclosure process and the impacts on condominiums, planned communities and cooperatives its final report before the Legislature convenes in 2012.

"SB 651 addresses the state's foreclosure crisis by providing a means for some homeowners to avoid foreclosure and for many more to mitigate the damage of foreclosure when it is not avoidable. Federal programs exist to assist distressed homeowners, but these programs have proven inadequate to meet real-world needs. Homeowners still report bad-faith behavior by lenders and a lack of oversight in the foreclosure process, especially in nonjudicial power of sale foreclosures. SB 651 provides opportunities for meaningful negotiation between homeowners and lenders as well as oversight mechanisms through its three major components: dispute resolution, conversion of nonjudicial power of sale foreclosures to judicial actions, and a moratorium on new nonjudicial foreclosures under section 667-5, HRS.

"SB 651 creates the mortgage foreclosure dispute resolution program to be administered by the DCCA. Based on a successful program initiated in Nevada and tailored to Hawai'i's unique needs through input from lenders, advocates for homeowners, the Judiciary, and DCCA, this program makes a facilitated dispute resolution process and an accompanying stay of the foreclosure available upon request to all owner-occupant homeowners who have received a foreclosure notice. At the election of an owner-occupant, a foreclosing mortgagee will be required to participate in dispute resolution for the purpose of avoiding foreclosure if possible or coming to a negotiated agreement if foreclosure is inevitable. This program recognizes that foreclosure is not always avoidable but that it is almost always possible for the parties to reach an agreement that reduces long-term damage and preserves a homeowner's dignity. Oversight of the process is provided by a trained facilitator who will ensure that the foreclosing mortgagee and homeowner comply with all program rules and participate in good faith in the process. Enforcement is provided by the

possibility of sanctions against each party, including a bar on completing the foreclosure against the foreclosing mortgagee and a lift of the stay triggered by the dispute resolution program against an owner-occupant. The mortgage foreclosure dispute resolution program will be operative no later than October 1 of this year and will sunset three years later on September 30, 2014, in anticipation that the State and national economy will have stabilized by that time and the foreclosure crisis will have abated.

“As another means of introducing third-party oversight into a nonjudicial foreclosure, SB 651 enacts a recommendation by the Mortgage Foreclosure Task Force to authorize an owner-occupant homeowner to file a petition with the Circuit Court to convert a nonjudicial power of sale foreclosure into a judicial action. The vast majority of nonjudicial foreclosures in this State are conducted pursuant to section 667-5, HRS, under a process that includes minimal notice and oversight. Conversion to a judicial action subjects these foreclosures to the oversight inherent in any judicial process. The conversion authorization contained in SB 651 will be effective upon approval of this measure and will sunset on December 31, 2012. SB 651 envisions a dual function for conversion. First, it will serve as a bridge measure that will provide immediate relief to owner-occupant homeowners who are currently involved in a pending nonjudicial foreclosure or will be involved in a nonjudicial foreclosure before the mortgage foreclosure dispute resolution program becomes operative. Second, it will provide an additional avenue of relief in the nonjudicial foreclosure process in anticipation of more sweeping reforms that may be recommended by the Mortgage Foreclosure Task Force. The sunset of conversion authorization ensures that the resources of the Judiciary will have to accommodate a potential increase in its foreclosure case load for only a finite period of time.

“The final major innovation contained in SB 651 is a moratorium on new power of sale foreclosures brought under section 667-5, HRS, to commence upon the effective date of SB 651 and to expire on July 1, 2012. These types of foreclosures have been the source of most of the reported problems with foreclosures in this state and will most likely be the focus of the broad reforms to the foreclosure system that the Task Force is expected to recommend prior to the convening of the next regular legislative session. The purpose of the moratorium is two-fold. It avoids a situation where mortgagees rush to beat the clock and foreclose prematurely in cases where they may have otherwise been willing to come to an agreement with a distressed homeowner in order to avoid the new requirements created by SB 651. It also allows the Task Force to develop recommendations for broad reforms without risk of disrupting on-going actions in an operative system. The moratorium imposed by SB 651 allows for the continuation of nonjudicial foreclosures under section 667-5 that were commenced before the effective date of SB651, subject to an owner-occupant's right to pursue conversion to judicial foreclosure or dispute resolution, upon that program becoming operative. The moratorium on section 667-5 nonjudicial foreclosures will particularly affect condominium and planned community associations that use that process to foreclose on liens for past-due fees for common expenses payable to the association. The intention of the moratorium is not to burden associations when they take action to protect the interests of the majority of their members who have not defaulted on fees by collecting past-due amounts. Any actions under 667-5 that have already begun before SB 651 takes effect may continue. Further, nonjudicial lien foreclosures by an association are exempt from the dispute resolution and conversion requirements applicable to nonjudicial mortgage foreclosures, leaving nonjudicial foreclosure under part II of chapter 667, HRS, or judicial foreclosure free of those requirements. Finally, to account for the increased time and expense of

meeting the requirements of the available foreclosure processes, the cap on the amount of past-due fees that an association may collect has been doubled.

“SB 651 also contains additional reforms to the mortgage foreclosure system such as requirements for the location of public sale of property following a power of sale foreclosure and strengthened regulations on mortgage loan servicers to provide additional consumer protections. These improvements to specific portions of the foreclosure system will continue to be applicable regardless of larger systemic changes that may be suggested by the Task Force. While SB 651 is not able to address every aspect of the mortgage foreclosure system that is in need of reform, it provides immediate and long-term relief to local homeowners in a manner that is fair to mortgage lenders, state regulators, and the judiciary.

“I strongly urge all of my colleagues to support SB 651.”

Senator Kidani rose in opposition to the measure and said:

“As the Senator representing the largest homeowner's association in the State, I believe SB651 should not be enacted because it will harm residents in condominium and community associations. While I appreciate the protection from predatory lenders provided with this bill, an unintended effect of the bill would be to increase unrecoverable losses by restricting collection of association dues by homeowner associations. This increases the financial burden on renters and owners and is not a fair or equitable result of legislation intended to protect consumers.

“S.B. No. 651 impairs the financial viability of associations based upon abuses by lenders. The harms S.B. No. 651 is intending to address is not caused by associations, but yet the associations will bear the financial cost.

“The mortgage foreclosure task force reported that condominium-related issues will be taken up in its next report to the legislature. Legislation affecting associations should await the outcome of the task force's work. For this reason, colleagues, I will vote against this measure.”

Senator Baker rose in rebuttal and said:

“I happen to be a condo owner myself and have been in condos for a number of years, and so we worked very diligently to make sure that neither the owners nor the associations were disadvantaged. While there is an extended moratorium on part I non-judicial foreclosures, condominiums for lien foreclosures can continue to access part II, and in addition, we provided an ability to recover a \$7,500 amount for CAM fees not paid. The current statute, I believe, is \$3,600. So we're trying not to disadvantage homeowners associations or condominium associations, in this regard. I also wanted to point out that one of the other features was that while junior lien holders, which condominium associations would be, cannot jump ahead of the line, while there is a pendency of going through dispute resolution, they are still able to act ahead of time. They can also quickly follow up at the end. I know it's a tough balancing act and there's probably more in the condominium area that can and should be done and the task force will be taking that up next year. But I think there are enough provisions in this measure to not impeded necessary actions by homeowner associations and we have fairly balanced the concerns of associations and the condo homeowner. If there are lots and lots of foreclosures, the rest of the condo homeowners who are not in foreclosure will ultimately pay the price, but at the same time wanting to make sure that if there is an opportunity for a condominium owner to cure the default, that the condominium association must allow that to happen. We tried very much to address the concerns that the Senator from Mililani had raised to us, and I'm disappointed to hear her say that we had not, at least in her perception, based on some of the other provisions

that we put in. The other measures that she had been most concerned about stayed on the conference table. I still urge my colleagues to vote in favor of this measure. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 133 was adopted and S.B. No. 651, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Dela Cruz, Kahele, Solomon, Wakai). Noes, 2 (Kidani, Slom).

At this time, Senator Baker introduced a group from FACE Hawaii including Reverend Bob Nakata and Pat Zukemura who were seated in the gallery.

Conf. Com. Rep. No. 134 (S.B. No. 1482, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 134 was adopted and S.B. No. 1482, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 135 (S.B. No. 146, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator English and carried, Conf. Com. Rep. No. 135 was adopted and S.B. No. 146, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BIOFUEL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 136 (S.B. No. 1244, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 136 was adopted and S.B. No. 1244, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BIOFUELS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137 (S.B. No. 570, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Hee and carried, Conf. Com. Rep. No. 137 was adopted and S.B. No. 570, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Baker, Dela Cruz, Fukunaga, Solomon, Wakai). Noes, 2 (Green, Slom).

Conf. Com. Rep. No. 138 (S.B. No. 754, S.D. 1, H.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 138 be adopted and S.B. No. 754, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Baker rose in opposition to the measure and said:

“Madam President, I know that there was much discussion in various committees on behalf of eliminating certain exemptions

of the general excise tax, and the notion was ‘well, it’s fair to do that.’ But I think this measure is heading us down the wrong direction. It is actually anti-economic recovery, and I’m very distressed to see that a bill that I was one of the authors was hijacked as the vehicle. That’s part of the reason I stand in opposition. In addition to what I think is the wrong philosophy in the C.D. No. 1, I want to make it clear that this is not a measure that I would have ever voted for; as a matter of fact in both this year and last year had voted against just such an approach, because I believe that it actually will cost us jobs. It will raise the price of many of our goods and services and certainly raise the cost of living in the state. It may get us a little bit of money, but at what price? It’s going to cause some of our businesses to try to change the way that they do business to avoid a tax on the tax. And as one who had been in the legislature prior, when we began some of the process of de-pyramiding the GET, I certainly think we’re going in the wrong direction. So, it is with regret, because I know that this is part of the Senate’s financial plan and I guess ultimately the state’s financial plan, that I rise to speak against the measure. But I will be voting ‘no.’”

Senator Slom rose in opposition to the measure and said:

“And we’ve just proved the admonition of strange bedfellows. So happy to be on the same side with the Commerce and Consumer Protection Chair. Once.

“This is a bad bill. As I’ve said previously, this bill will hurt businesses, but more importantly, it will hurt people because it’s going to cost jobs. You know people have described this as exemptions and loop holes and tax benefits for particularly businesses, particularly the airlines, the water carriers, and so forth, and it’s not that. It’s exactly what the Commerce chairman said. It is a way of trying to equalize the playing field, and reduce or eliminate the double taxation, the pyramiding, of this horrendous tax, the general excise gross income tax. And I know that as I spoke earlier about the budget, everything is about money, and this was the biggest money maker, \$400 million, but we have to look at the consequences, and what it does, and what the unintended consequences are going to be. And again I repeat my sadness that this legislature did nothing to try to improve the business and investment climate here. That’s what we need. Instead, we’re picking apart those businesses, those individuals, where we see larger amounts of money. I think that we’re going to be very sad in the months ahead that we did this because it is going to have negative effects. Thank you.”

Senator Ige rose in support of the measure with reservations and said:

“Members, as you all know, the Senate had other alternatives that we definitely wanted to explore this session. As we went through the session and the House and the Governor had made decisions about how to close the deficit in our budget, this was the last proposal standing. So, I do stand in support of this with reservations. It is the largest part of our financial plan outside of the budget, and I am concerned and share the concerns with the previous speakers, but at this point in the session, it is the only option left that allows us to close our budget. So, I would encourage all of you to vote in support. Thank you.”

Senator Fukunaga rose and said:

“I want to note for the members that this was one of the measures that was introduced by the Small Business Caucus and it was modified in the House to add new contents; as a consequence, I must join my colleague from the Commerce and Consumer Protection Committee in voting ‘no.’ We appreciate the efforts of the Ways and Means conference chair in trying to mitigate the adverse consequences of deleting the GET exemption on loading and unloading with respect to the costs

that neighbor island residents would bear. I think that was a good amendment to make, to remove that particular section of the bill. However, since the bill was originally intended to make things a lot simpler for the small business community, I must regretfully vote 'no' on this measure. Thank you."

Senator Baker requested a Roll Call vote, and the Chair so ordered.

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

Senator Wakai rose in opposition to the measure and said:

"I think the negative fallout from moving forward on this measure certainly could be devastating. I've been a long advocate throughout the session and in previous sessions in the House of really getting a handle on credits and exemptions and finding out how many dollars do we lose, but also how many dollars of economic activity are generated. I think it's irresponsible for all of us to be here not knowing exactly what the loss is to all of these credits and exemptions, as well as not knowing what the economic benefits have been. So, I've been a long advocate to do that, to go down that road of starting to analyze and quantify all of these numbers. By the same token, I think it's almost irresponsible of us at this point to just sweep all of these tax exemption measures off the books without knowing what the potential negative impacts are going to be. So, for those reasons I will be voting 'no' on this measure. Thank you, Madame President."

Senator Chun Oakland rose in opposition to the measure and said:

"Originally I was one of the co-sponsors of this bill. The original bill contained a proposal that the Small Business Caucus was very supportive of. I'm sorry that the House inserted a proposal that hurts businesses into the bill. I cannot support the new content of the measure. Thank you."

Senator Nishihara rose to request that remarks in support of the measure with reservations be entered into the Journal, and the Chair so ordered.

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

"I rise to speak with reservations on this bill. The unfortunate circumstances of our state facing another year of diminished revenues and need to balance the budget has led us to select this bill to close the budget deficit. This comes at a time of struggling businesses and continued unemployment. This bill to temporarily suspend the general excise and use tax exemption for certain amounts received by certain persons and require the payment of both taxes at a 4 percent rate, will, I fear, have the unintended consequence of diminished business activity leading to further reductions in tax revenue. If the assumptions that have led to its consideration turn out to be correct, the budget will reflect a chance to stabilize our state's economic picture. If it is wrong, we will be again faced with new unappealing Council of Revenue numbers, caused in part by the consequences of this bill. I will vote to support this bill, with my reservations, because it has become a piece of a total construction of measures to create a balanced budget. Thank you, Mr. President."

The motion was put by the Chair and carried, Roll Call vote having been requested, Conf. Com. Rep. No. 138 was adopted and S.B. No. 754, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 17; Ayes with Reservations (English, Galuteria, Hee, Ige, Kahele, Kidani, Kim, Kouchi, Nishihara, Ryan,

Shimabukuro, Taniguchi, Tokuda, Tsutsui). Noes, 8 (Baker, Chun Oakland, Espero, Fukunaga, Green, Ihara, Slom, Wakai).

Conf. Com. Rep. No. 139 (S.B. No. 1186, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Kim, seconded by Senator Ige and carried, Conf. Com. Rep. No. 139 was adopted and S.B. No. 1186, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 141 (H.B. No. 1039, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Ige and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 1039, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 142 (H.B. No. 1568, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 1568, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

THIRD READING

MATTER DEFERRED FROM FRIDAY, APRIL 8, 2011

Stand. Com. Rep. No. 1077 (H.B. No. 400, H.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 1077 be adopted and H.B. No. 400, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

The motion was put by the Chair and carried, Stand. Com. Rep. No. 1077 was adopted and H.B. No. 400, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

FINAL READING

MATTER DEFERRED FROM EARLIER ON THE CALENDER

Conf. Com. Rep. No. 37 (S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 37 be adopted and S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Dela Cruz.

Senator Nishihara rose in support of the measure and said:

“You know, in the discussions, members, in hearings that have gone on for this bill, it was abundantly clear that it is intended to support and grow our fledgling aquaculture industry. This will allow lessees to be granted up to 65 years. And this is happening in good standing if they seek to renew existing ones. This bill will provide the opportunity for expansion of our aquaculture industry on public lands. This bill is not intended to include ocean farming, a section that was removed, allowing ocean leases was removed, and section two of the bill authorizes the DOT to designate certain lands for aquaculture to use and then to enter into agreements with the DLNR for the disposition of such lands. This is a good bill that will advance our local aquaculture industry, which, in addition to our agriculture bills, will make a meaningful attempt to reverse the downward trend that began 50 years ago where Hawai'i went from growing and producing 90 percent of our food to now, just 10 percent that we have today. So, colleagues, I ask for your support. Thank you.”

Senator Wakai rose in support of the measure and said:

“It was mentioned on more than one occasion this morning that there are no bills that we are passing today that create jobs, but I argue that this is one of the few bills that has a potential of growing an industry, to make our pie a little bigger. But, we have to question, ‘Why is this pie, aquaculture, so small?’ In an ocean state, we import 90 percent of the fish we consume in the State of Hawai'i. That, I find, almost ridiculous. Do you think they import steak into Nebraska? I highly doubt it. We need to look at aquaculture as an export commodity and for many, many years, we have not paid enough effort and put enough of an investment into this particular area of agriculture. And we're not using one dime of state funds to do it. We're simply allowing those who want it invest in this area the opportunity to get federal funding to go ahead and do so. Aquaculture, as of 2009, was a \$35 million industry. It could be so much more to us as a source of food, as well as an economic opportunity. The previous speaker mentioned that at one point, this bill did have language that allowed for ocean leases, but we specifically took that language out in the conference draft. It's correct that there is no prohibition against ocean leases in the future, and we can certainly come back next year and take care of that if that is what will allay people's trepidation about voting in favor of this bill today. But in the meantime, people who want to grow this potential industry are having difficulty doing so without the financing. So, to get to economic growth and job generation, here's one of the few bills that we can really get moving if we do so today. So, I ask my colleagues to vote in favor of this particular measure. Thank you, Madam President.”

At 1:49 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:49 p.m.

Senator Hee rose in support of the measure and said:

“The previous speaker rhetorically asked about importing fish to these islands. Let's keep the lines on the discussion of this bill clear. It's not quite as simple as asking that rhetorical question. The fact of the matter is fish are imported here because of one word and it's 'greed.' It's really simple. There's no 'opihi on this island. One word: it's 'greed.' People die picking 'opihi every year in the State of Hawai'i. One word: it's 'greed.' So, the idea that somehow that Hawai'i's importing fish because the aquaculture industry is somehow the panacea to the reality is just not so. I think that supporting the bill on its merits is fine. But any suggestion that a bill like this is needed because of the importation of fish or the suggestion that the passage of this bill somehow is the panacea to the importation of fish is simply not true. What it takes is kuleana. What it takes is courage. What it takes is good policy to prevent greed. It is what the Hawaiians had in place. It's called the kapu system.

When the mullet was with egg, you didn't take the mullet. Real simple. So, it's not because the aquaculture industry or some unrelated psychobabble on how this thing's going to save us from importing fish because it is not true. I will support the bill on its own merits and not some idea to the contrary. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 37 was adopted and S.B. No. 1511, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AQUACULTURE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At this time, Senator Nishihara requested that remarks in support of S.B. No. 14, C.D. 1; H.B. No. 667, C.D. 1; S.B. No. 754, C.D. 1; H.B. No. 866, C.D. 1; and S.B. No. 1153, H.D. 2 be entered into the Journal, and the Chair so ordered.

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

The Senate reconvened at 1:55 p.m.

MISCELLANEOUS BUSINESS

WAIVER OF REFERRAL

Senator Hee, Chair of the Committee on Judiciary and Labor, requested that the referral of S.R. No. 46 to the Committee on Judiciary and Labor be waived pursuant to Senate Rule 46(4):

Senator Hee noted:

“The provisions of this measure are acceptable to your committee and we would like to schedule this measure of adoption by the Senate.”

The Chair granted the waiver.

By unanimous consent, S.R. No. 46, entitled: “SENATE RESOLUTION REQUESTING THE GOVERNOR TO ENSURE THAT THE CHIEF PROCUREMENT OFFICERS COMPLY WITH THE HAWAII PUBLIC PROCUREMENT CODE PREFERENCES FOR HAWAII PRODUCTS TO PROMOTE GROWTH OF THE STATE'S AGRICULTURE INDUSTRY AND THEREBY ASSURE FOOD SECURITY FOR HAWAII'S CITIZENS,” was placed on the calendar for adoption on Thursday, May 5, 2011.

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 219, S.D. 1 (H.D. 1):

Senator Green moved that the Senate reconsider its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to S.B. No. 219, S.D. 1, seconded by Senator Espero and carried.

At 1:57 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:00 p.m.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 219, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Green, Espero, Shimabukuro). Noes, none. Excused, 1 (Slom).

Senator Green then moved that the Senate agree to the amendments made by the House to S.B. No. 219, S.D. 1, seconded by Senator Espero.

Senator Green noted:

“The specific reason for this is to take up the matter of the prohibition of shackling pregnant inmates.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 219, S.D. 1 and S.B. No. 219, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” was placed on the calendar for Final Reading on Thursday, May 5, 2011.

S.B. No. 1300, S.D. 2 (H.D. 2):

Senator Green moved that the Senate reconsider its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to S.B. No. 1300, S.D. 2, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1300, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Green, Chun Oakland, Baker, Nishihara). Noes, none. Excused, 2 (Shimabukuro, Slom).

Senator Green then moved that the Senate agree to the amendments made by the House to S.B. No. 1300, S.D. 2, seconded by Senator Espero.

Senator Green noted:

“The specific reason for this is a discussion about adding a board member to the HHSC Board.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1300, S.D. 2 and S.B. No. 1300, S.D. 2, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION,” was placed on the calendar for Final Reading on Thursday, May 5, 2011.

S.B. No. 946, S.D. 1 (H.D. 1):

Senator Hee moved that the Senate reconsider its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to S.B. No. 946, S.D. 1, seconded by Senator Espero and carried.

At 2:01 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:02 p.m.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 946, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hee, Ige, Shimabukuro). Noes, none. Excused, none.

Senator Hee then moved that the Senate agree to the amendments made by the House to S.B. No. 946, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

“Your Committee on Judiciary and Labor has reviewed both bills and we agree—reluctantly—to the House’s intelligence.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 946, S.D. 1 and S.B. No. 946, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE JUDICIARY,” was

placed on the calendar for Final Reading on Thursday, May 5, 2011.

S.B. No. 1088, S.D. 1 (H.D. 1):

Senator Hee moved that the Senate reconsider its action taken on April 14, 2011, in disagreeing to the amendments proposed by the House to S.B. No. 1088, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1088, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Hee, Kidani, Shimabukuro). Noes, none. Excused, none.

Senator Hee then moved that the Senate agree to the amendments made by the House to S.B. No. 1088, S.D. 1, seconded by Senator Espero.

Senator Hee noted:

“Your Committee on Judiciary and Labor has reviewed both bills and we agree—reluctantly—to the House’s intelligence.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1088, S.D. 1 and S.B. No. 1088, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE BENEFITS,” was placed on the calendar for Final Reading on Thursday, May 5, 2011.

At this time, Senator Baker informed the members that Senator Chun Oakland was selected by the YWCA to be honored at their Leader Luncheon in June.

ADJOURNMENT

At 2:05 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 10:30 a.m., Thursday, May 5, 2011.