

FIFTY-NINTH DAY

Tuesday, April 30, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 10:15 a.m. with the President in the Chair.

The Roll was called showing all Senators present.

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

At this time, Senator English recognized Puakielenani Pennington for her tireless commitment to community service, particularly in the area of supporting individuals with autism and other developmental disabilities and their families.

Senator Espero welcomed students from James Campbell High School including Katie Casapar, Nicholas Espinosa, and Miguel Paulo Flores, who were accompanied by their teacher Ms. Shari Teruya.

Senator Dela Cruz introduced his session intern Robert Moran and thanked him for his help.

Senator Slom introduced Jennifer and Eric Prevett, who were visiting from California and were seated in the gallery.

Senator Hee introduced Walter Ritte of Moloka'i, who was accompanied by members of the public in the gallery to observe the debate on S.B. No. 1171.

The Chair extended an additional welcome to all guests present.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 752 to 757) were read by the Clerk and were placed on file:

Hse. Com. No. 752, informing the Senate that on April 26, 2013, the House discharged all conferees to the following bills:

H.B. No. 800, H.D. 1 (S.D. 2);
H.B. No. 879, H.D. 2 (S.D. 1); and
H.B. No. 880, H.D. 2 (S.D. 2).

Hse. Com. No. 753, informing the Senate that on April 26, 2013, the House reconsidered its action taken on April 4, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 880, H.D. 2 (S.D. 2).

Hse. Com. No. 754, informing the Senate that on April 26, 2013, the House reconsidered its action taken on April 3, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 879, H.D. 2 (S.D. 1).

Hse. Com. No. 755, informing the Senate that on April 26, 2013, the House reconsidered its action taken on April 11, 2013, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 17, H.D. 1 (S.D. 2);
H.B. No. 514, H.D. 2 (S.D. 1);
H.B. No. 800, H.D. 1 (S.D. 2);
H.B. No. 1328, H.D. 1 (S.D. 1);
H.B. No. 1388, H.D. 1 (S.D. 1); and
H.B. No. 1412 (S.D. 2).

Hse. Com. No. 756, informing the Senate that the House agreed to the amendments proposed by the Senate to the following House concurrent resolutions and said resolutions were Finally Adopted in the House of Representatives on April 26, 2013:

H.C.R. No. 33, S.D. 1;
H.C.R. No. 143, H.D. 1, S.D. 1; and
H.C.R. No. 161, H.D. 1, S.D. 1.

Hse. Com. No. 757, informing the Senate that on April 26, 2013, the House reconsidered its action taken on April 11, 2013, in disagreeing to the amendments proposed by the Senate to H.B. No. 529, H.D. 1 (S.D. 2).

ORDER OF THE DAY

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM
WEDNESDAY, APRIL 25, 2013

H.C.R. No. 81:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF TRUSTEES OF THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND TO PAY THE TRICARE RESERVE SELECT PREMIUM FOR ELIGIBLE STATE AND COUNTY EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD AND RESERVES WHO DECLINE HEALTH INSURANCE COVERAGE THROUGH THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND AND INSTEAD OPT FOR HEALTH INSURANCE COVERAGE THROUGH TRICARE RESERVE SELECT," was adopted.

H.C.R. No. 115, H.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 115, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF VETERANS SERVICES, WITH THE ASSISTANCE OF OTHER DEPARTMENTS, TO PLAN AND ESTABLISH A MEMORIAL HONORING THE VETERANS OF THE PERSIAN GULF WAR, OPERATION DESERT STORM, OPERATION IRAQI FREEDOM, OPERATION NEW DAWN, AND OPERATION ENDURING FREEDOM," was adopted.

H.C.R. No. 226:

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR FEDERAL FUNDING TO FINANCE A COMPREHENSIVE FEASIBILITY STUDY TO EVALUATE THE POTENTIAL FOR ESTABLISHING A WORLD-CLASS COMMERCIAL SPACE LAUNCH AND CONTROL FACILITY IN THE STATE OF HAWAII," was adopted.

FINAL READING

Conf. Com. Rep. No. 155 (S.B. No. 908, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 155 be adopted and S.B. No. 908, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Hee then offered the following amendment (Floor Amendment No. 14) to S.B. No. 908, S.D. 1, H.D. 1, C.D. 1:

SECTION 1. Senate Bill No. 908, S.D. 1, H.D. 1, C.D. 1, is amended by adding two new parts to be designated as parts VIII and IX and to read as follows:

"PART VIII

SECTION 14. There are appropriated or authorized from the sources of funding indicated below to departmental administration and budget division (BUF 101) the following sums or so much thereof as may be necessary, to fund for fiscal biennium 2013-2015 the carryover costs related to implementation of the 8.16 per cent across the board wage increase and catch up step movements for bargaining unit (9) employees, directed in the arbitration award for fiscal biennium 2011-2013:

	<u>FY 2013-2014</u>	<u>FY 2014-2015</u>
General Funds	\$ 6,500,660	\$ 6,500,660
Special Funds	14,203,816	14,203,816
Federal Funds	269,185	269,185
Interdepartmental Transfers	16,096	16,096
Revolving Funds	53,373	53,373

SECTION 15. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part.

PART IX

SECTION 16. There are appropriated or authorized from the sources of funding indicated below to departmental administration and budget division (BUF 101) the following sums or so much thereof as may be necessary, to fund for fiscal biennium 2013-2015 the carryover costs related to implementation of the 8.16 per cent across the board wage increase and catch up step movements, for state officers and employees in the executive branch excluded from collective bargaining who belong to the same compensation plans as those officers and employees within collective bargaining unit (9), directed in the arbitration award for fiscal biennium 2011-2013:

	<u>FY 2013-2014</u>	<u>FY 2014-2015</u>
General Funds	\$ 94,617	\$ 94,617
Special Funds	242,453	242,453
Federal Funds	8,229	8,229

SECTION 17. Funds appropriated or authorized by this part shall be allotted by the director of finance to the appropriate state departments for expenditure in the respective fiscal year for the purposes of this part."

SECTION 2. Senate Bill No. 908, S.D. 1, H.D. 1, C.D. 1, is amended by redesignating part VIII as part X, renumbering sections 14, 15, and 16 contained therein as sections 18, 19, and 20, respectively, and amending the newly designated sections 19 and 20 to read as follows:

"SECTION 19. Funds appropriated or authorized by parts II to VII of this Act that are not expended or encumbered by June 30, 2013, shall lapse as of that date; provided that funds appropriated or authorized by parts VIII and IX of this Act that are not expended or encumbered by June 30, 2014, and June 30, 2015, of the respective fiscal years, shall lapse as of those dates.

SECTION 20. This Act shall take effect upon its approval; provided that parts VIII and IX shall take effect on July 1, 2013."

Senator Hee moved that Floor Amendment No. 14 be adopted, seconded by Senator Ige.

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

"Yes, I believe you were advised that there are some issues that we have been dealt with, with respect to making appropriations for bargaining cost items that may have been left out. As a result, in our conversation with the chairman of Ways and Means, we concluded that Floor Amendment No. 14 needed to be considered for adoption by the Senate."

The motion to adopt Floor Amendment No. 14 was put by the Chair and carried.

Senator Hee then moved that the Conf. Com. Rep. No. 155 be received and placed on file, seconded by Senator Ige and carried.

By unanimous consent, S.B. No. 908, S.D. 1, H.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was placed on the calendar for Final Reading on Thursday, May 2, 2013.

Conf. Com. Rep. No. 105 (H.B. No. 200, H.D. 1, S.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 105 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 as follows:

"First of all, I would like to thank all of the members of Ways and Means for their patience and input as we considered the executive budget. I also would like to thank all of the senators as each and every one had contributed some part to the final product that stands before us.

"The House of Representatives and the Senate approached development of the budget from different perspectives. The House was very conservative with the allocation of resources. The Senate was cautious but strategic in the development of the budget, able to provide more funding for important programs under the Council of Revenues' most recent general fund revenue projections.

"This conference draft is the product of the open and collaborative work of the House and the Senate. I thank the chair of Finance, the House Speaker, and their members for their earnest efforts, too, during this process.

"Madam President, I also appreciate the support and guidance you have provided throughout the course of this session. Of course, I would be remiss if I did not acknowledge the hard work of WAM's vice chair and her assistance in the final product. And again, all of the members, I do want to thank you for your patience as we worked through the budget document.

"This budget builds a solid financial base for the state as the economy recovers and expands. While this draft of the budget reduces the executive request by \$253 million in general funds, we are still able to make important strategic investments in our community.

"In developing this budget, we continued to adhere to the following principles: support the state's core functions, including programs that provide services for those most in need. Two, make strategic investments in people and programs that encourage economic growth and lower future costs and improve the state's resiliency and ability to exist long term. And third, support long-term planning and accountability efforts to fundamentally change the character and delivery of government services.

"Controlling the increase of state government expenditures has allowed us to assure that funds are available in the financial plan to provide for the collective bargaining costs; as we all know, we have asked state employees over the last four years to share in the fiscal burden. Two, make payments for future liabilities; we do believe we have a commitment to those who have earned their entitlements. Three, provide tax relief and tax incentives in targeted areas. And four, recapitalize the reserve funds.

"We continue to support recapitalization of the Emergency Budget and Reserve Fund and the Hurricane Relief Fund to

ensure that the state has adequate reserves. I wanted to take a moment to talk about unfunded liabilities and OPEB. This budget provides \$217 million over the fiscal biennium to begin making payments to prefund other post-employment benefits.

"Over the past several years, the state has made significant progress in addressing the unfunded liability of the employee retirement system. The appropriation of funds to prefund OPEB and the passage of H.B. No. 546 sets a solid framework for future payments, which will demonstrate the legislature's commitment to address the unfunded liability of the Employee Union Trust Fund. And Madam President, if I would say, this is the first in the nation of making a commitment and establishing a schedule to ensure that the unfunded liability that the health fund proposes will be taken up first and foremost. Paying down our unfunded liabilities will be a priority, and no longer left to the discretion of employers. All state and county employers will pay 100 percent of the annual required contribution for OPEB within six years.

"The executive budget is the largest component of the state general fund financial plan. Instead of increasing any broad-based tax, we have exerted control over growth in the budget so that resources are available to address the issues the budget document does not encompass.

"The executive budget request would add about \$1.2 billion in general funds over the upcoming fiscal biennium. Much of this amount is nondiscretionary in nature. It is items such as labor restoration costs, debt service, health premiums, retirement benefits, Medicaid, federal sequestration mitigation, and the state's first payments for the unfunded liability that amount to about \$900 million of the \$1.2 billion request, nearly three quarters of the governor's asks. This draft of the executive budget supports the payment of these necessary costs and other high priority items, yet still reduces the general fund budget request by the governor by more than \$253 million.

"I would like to highlight a couple of the important investments that we make, and first and foremost besides the OPEB liability, we begin the transformation of the state's information technology infrastructure. Madam President, we learned firsthand how investments in IT personnel and infrastructure allows the State Senate to provide more enhanced services at reduced costs. We believe that this kind of investment is critical to enable all of state government to do the same. This budget provides more than \$130 million to begin that IT transformation for state government. This includes \$33 million for the Office of Information Management and Technology to modernize the state's IT infrastructure; \$5.6 million for the tax modernization system; \$32 million in GO bonds for that same tax system modernization; also includes \$48 million in general obligation bonds for the enterprise resource planning system statewide; as well as another \$12 million in GO bonds for enterprise IT infrastructure – in total, more than \$130 million. I think this is a critical investment to move the state forward.

"I'm going to end my remarks here as I know that some of the other chairs might want to talk about the budget a little in their areas. In total, the budget provides \$6 billion in FY14 and \$6.1 billion for FY15 in general funds, and \$11.8 billion in FY14 and \$12.0 billion in FY15 across all means of financing. I strongly encourage all of my colleagues to support this measure. Thank you."

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

"This past session has been an interesting one to say the least. I say this because of how different this year has been from the last several, in which the state was dealing with the economic crisis that gripped our economy and affected the

entire nation. In the last few years, the creation of the CIP budget was driven in large part by the need for us to keep in step, to provide that shot in the arm, that boost, to get things rolling again. The thought then was to get people back to work, to maintain and improve what we already had, while planning for the future needs of our state.

"Now, thankfully, our economy is slowly improving and we have a job market – especially in the construction industry – that is rebounding.

"I said earlier that this has been an interesting year. In some ways, the prioritization and vetting process done for the CIP budget was more difficult than in past years. This bill will fund thousands of worthwhile and critically needed projects; projects that will impact the lives of our residents now and for many years to come. However, this bill is not perfect. There are projects, while valuable, while needed, while important for our state, we were not able to fund this year. These decisions we asked were made after doing our due diligence, being thoughtful, careful, and mindful of our responsibilities.

"H.B. No. 200, C.D. 1 proposes a CIP budget for fiscal biennium 2013-2015 in the amount of just over \$3 billion, of which \$1.36 billion is funded by general obligation or reimbursable bonds. We will continue the progress made in renovating, repairing, and maintaining existing state-owned facilities to utilize our current resources and reduce general fund expenditures in the future.

"The CD proposes nearly \$400 million to fund these types of projects for the Department of Education, the Department of Health's Waimano Ridge facility, Hawai'i Health System Corporation's network of hospitals, and hundreds of other projects in the UH System, DLNR, and DAGS.

"We also looked at previous requests to fund aging infrastructure to move people, goods, and materials which have been in disrepair or unusable. To address this, we focused considerably on transportation. The basics: repairing our highways, expanding our harbors, and renovating and modernizing our airports. Approximately \$1.2 billion is appropriated for the Department of Transportation for projects, such as \$70 million for the expansion of Kona International Airport to meet the requirements of increasing visitor arrivals. Another \$140 million is included for Honolulu International Airport for improvements and upgrades for the main gateway to our state.

"We are also supporting increased capacity at our harbors statewide to handle the import and export of goods and products, as well as dozens of highway improvements and bridge repairs. These projects will continue the process of addressing the declining conditions of our highways and transportation infrastructure.

"Another priority was to designate appropriations for projects needed to address future capacity needs and economic growth. H.B. No. 200, C.D. 1 includes \$38.2 million to build an Advanced Technology and Science Center at Honolulu Community College and \$11.8 million for a dedicated facility for the Allied Health program at UH West O'ahu.

"Additionally, funding for the renovation and expansion of the Foreign Trade Zone facility was included to keep this business incubator functional. We also appropriated \$18.4 million for 'Ewa Makai Middle School to complete the campus and reduce overcrowding of schools in the 'Ewa plain.

"There is always much talk about keeping agricultural land in agriculture, and an opportunity arose to purchase over 20,000 acres of Dole Foods agricultural land on the North Shore of O'ahu. The Senate included \$175 million in revenue bonds and

\$12.5 million in GO bonds to take advantage of this opportunity.

"This bill also invests in the state's aging and obsolete IT infrastructure by appropriating over \$130 million for informational systems to begin the process of creating a statewide information network, streamline tax collections, maintain and share critical health information, as well as provide for a secure communication network for the islands. One of these is the Transpacific Cable Project. By 2015, the state will be close to reaching full capacity of its existing broadband network. In addition, Hawai'i is being bypassed as a vital communication hub in the Pacific. This project will begin to address these concerns and move Hawai'i to the forefront in telecommunications technology.

"In closing, I would like to thank Senate President Kim, WAM Chair David Ige and his staff, as well as our counterparts in the House for their support and hard work in crafting this CIP budget. I believe we all look forward to the positive impact this budget will have on our state. Mahalo."

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:

"I would like to thank the joint-conference committees on finalizing the state budget ahead of schedule. It is always a tremendous task to come to an agreement recognizing we have to be both fiscally cautious and responsible without jeopardizing the well-being of our communities, our people, our state.

"Big gains were made for both agriculture and economic development. We were able to approve \$175 million in revenue bonds to purchase approximately 20,000 acres of agricultural lands and an additional \$12.5 million to purchase industrial agricultural facilities, warehouses, office space, and additional farmland. I want to express my thanks to the vice chair of the Committee on Ways and Means for her continued support of our local agriculture industry and all of her assistance throughout this legislative session with securing the monies.

"Furthermore, we made a commitment to the future of Hawai'i by investing \$6 million in future startup companies and entrepreneurs. Recognizing the challenges of raising startup capital, the legislature put forward a plan to support and foster the growth of our local businesses which will assist in diversifying our economy.

"As we continue to address our state's challenges, our unfunded liabilities, and providing critical public services, we must engage in other ways of providing funding as our current resources, such as general funds, become scarce. We need to look at alternatives, such as public-private partnerships. We must continue to be fiscally cautious and responsible yet fulfilling our commitment to our communities, providing jobs and workforce housing, supporting our local farmers, diversifying our economy – encouraging economic growth – while lowering future costs and reversing the brain drain."

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

"Madam President, members, I'd like to first express my gratitude and thanks to the chair and vice chair and members of the Ways and Means Committee, and indeed the whole Senate, for passing an excellent transportation budget. As previously mentioned, altogether we've allocated \$1.2 billion for transportation, and as previously mentioned by the vice chair of

the committee, this \$1.2 billion will go to many of our needed projects in all of our districts throughout all of Hawai'i.

"And in fact, some of the things that we have not addressed squarely before – bridge replacement and bridge fortification, making sure our bridges can handle the loads – will be dealt with in this budget.

"Also dealing with our harbors: many of you understand that we have a 'just in time' delivery system; in other words, the goods arrive at our ports, they come off the ships, and they go right into our system. If our ports back up, our entire delivery system fails, and we're at that critical point where if we don't put some attention into our harbors, we're going to have higher prices, we're going to have goods backed up in ships waiting to offload. So that's why we've moved the harbors modernization projects a few years ago, and we've reauthorized a number of them in this budget. Altogether, 13 state harbors will need to be worked on in order to ensure that goods and services continue to flow freely in this state, and this budget goes a long way to address that.

"As also mentioned, our airports are going to receive huge amounts of capital resources to bring them up to modern standards, so that likewise our people, goods, and services can come into the state and leave the state in a way that's acceptable around the world. We will not only be improving Honolulu International Airport, Kona International Airport, but there's monies in for Hilo, and lots of monies in for Kahului airport and the smaller airports – Lāna'i, Ho'olehua on Moloka'i, Hāna, Big Island airports, small airports on Kaua'i, Princeville – all of these have some consideration in this budget.

"So I wanted to stand up and highlight some of these important projects and thank all of you for supporting us moving these projects ahead because understand that without proper transportation, our economy will come to a standstill. If the goods and services cannot move through our harbors, airports, and on our roads, then our economy slows down. If we cannot move through our roads, everything slows down.

"So with that, I stand in support of this bill, give my gratitude to all of you for supporting transportation, and just remember that this will hit all of our districts and will be a major boon to all of Hawai'i. Thank you, Madam Chair."

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

"First, I'd like to thank the Ways and Means and Finance chairs and vice chairs and staffs for their hard work, dedication, and willingness to work with your Education Committees as we have sought to move the metaphorical 'marshmallow' to focus resources and actions around students and schools.

"A few important education highlights from the budget that I would like to call to your attention include \$1 million in general funds in fiscal year '14 for the Hawaiian language Common Core Standards Assessment. This is an unprecedented amount allocated towards this function, and will complement well S.C.R. No. 147, which was just passed by the House, and will direct the Board of Education to create a formal coalition to address the issue of developing assessments in the Hawaiian language immersion for students to more accurately measure their academic achievement, and will send to the U.S. Department of Education the Legislature's position in strong support of a federal waiver from the requirements of No Child Left Behind. Provisos have also been included in the budget, calling upon the department to detail their activity in this area, providing the Legislature with proposed plans for implementation of the assessments and any future costs anticipated so they can be considered by this body.

"We have also kept to the Senate's strong belief that resources should be focused at the school level, adding \$53.6 million in Federal Impact Aid for weighted student formula, regular instruction, and special education. We have also increased general fund appropriations to the weighted student formula in the amount of \$12.8 million, and supported charter schools for the establishment and funding of 15 positions in the Charter School Commission in alignment with our reform efforts.

"While we are urging a cautious, piloted approach, the \$8.2 million in the budget for our Common Core Digital Curriculum program will provide us with the opportunity to look for ways to best maximize the use of technology as we transition into the Common Core and Smarter Balanced Assessments in 2014 and '15, and will allow us to develop critical professional development opportunities for all of our educators.

"The budget also includes \$8 million for student bus transportation while maintaining a high level of oversight and accountability in this area, something I definitely appreciate as we will be working with the department throughout this interim to once again focus in on increasing controls over both this area and now also school food service.

"Both the funding appropriation and guidance provided in the budget will serve us well as we continue to work hard over the interim with the department. Education makes up almost 25 percent of our total budget, and I assure you that your Education Committee takes that responsibility to manage these resources wisely very seriously.

"Again, mahalo to our Ways and Means leadership and staff for their support, and I encourage everyone to vote in strong support of what is a fiscally sound budget. Thank you."

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

"I would be remiss if I didn't congratulate and mahalo the Ways and Means leadership, Chair Ige and Vice Chair Kidani, and their committee members for putting some things into the budget that are really firsts: one that my district has been asking for, for at least the ten years that I've been representing Kihei, and that's a high school.

"Kihei is the fastest growing community in our state without a high school. All of the students drive from Kihei to Kahului to go to school, and that adds additional traffic on our roads, but it also means that the students really can't participate fully in afternoon and after-school activities.

"With all of the great growth that's been occurring in central Maui, their addition to Maui High School's campus really means that that school is going to become overcrowded in the near future – that's one of the reasons that constructing Kihei High School is so important.

"But the thing that I find so amazing about the leadership in Ways and Means and Finance this year is that this was a huge ask; it was \$130 million. That would have sucked up a lot of space and dollars in the CIP budget, but they were able to come up with a mechanism that allowed us to authorize the entire amount and allow GO bond funding to be phased in a way that the bonds that were needed for that full amount and build out could be floated when the time came. They put in \$30 million in real money (GO bonds) so the construction and site improvements can be begun on land that has already been acquired and is in the final process of permitting at the county level.

"This is so important for our community, and it means that in the long run, this method identified by Finance and Ways

and Means, led by the WAM chair, will enable the state in the long run to save between \$22 and 25 million on the building of the high school because the project can be bid out as a design-build on a one-time contract – all-at-once contract – which will enable enough savings to almost fund another elementary school. So, mahalo on behalf of the community for that particular project.

"I also want to say mahalo for another project that ended up in the C.D. 1 because I didn't think it was going to get there. This is another very innovative and very forward-thinking position on behalf of the Legislature. This is the acquisition of Lipoa Point. For those of you who are not familiar with northwest Maui, this is an area that is surrounded by a marine conservation district, Honolua Bay. It's former Maui Land and Pine Company agricultural pineapple land, but is fallow at the moment. Because of the difficulties that Maui Land and Pine has been facing, it was likely that that land was going to be sold off and carved up and fancy houses were going to be built there. The land had been pledged as collateral for the company's employees' pension fund. With the forward thinking the Legislature, led by Ways and Means and Finance, agreed to, this very beautiful, pristine, and environmentally important piece of coastal land is going to be preserved in perpetuity in conservation for the generations to come.

"It is truly an amazing gift to not just the people of Maui County, but to all of our visitors and future residents. It is an important gift we leave to the future. So, along with thanking the WAM and Finance Committees, I also want to say mahalo nui to the chair of Water and Land for helping to support and move this measure in a bill form; even though the money is in the budget, it's very, very important for all of us. It will ensure that significant pieces of coastline are preserved from development for future generations to enjoy, and I think this is one of the significant contributions that this budget makes to the future generations of Hawai'i. Mahalo."

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

"I agree with almost all that is in this budget bill and appreciate the hard work of the staff and committee members. However, I do have concerns about what happened in the area of higher education, and regrettably must vote with reservations on this bill. Thank you."

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

"First of all, I would like to thank the chairs and vice chairs of the Senate Ways and Means and House Finance Committees, the WAM and Finance Committee members and hardworking staff, and my legislative colleagues for being so supportive of funding programs that will make a significant difference in the lives of infants, children, youth, kūpuna, and families.

"H.B. No. 200, C.D. 1 contains funding that will support people in meeting basic human needs, including food, shelter, and health care. The Legislature's commitment to our kūpuna and persons with disabilities is significant this year. In this state budget bill, along with provisions in S.B. No. 106, C.D. 1, there is full funding for the Aging and Disability Resource Center statewide so that people can have one-stop resource centers to connect kūpuna and persons with disabilities with long-term care services and supports that will improve their quality of life. It will also provide a total of \$8 million allocated for Kupuna Care, which will help thousands of seniors with home-delivered meals, transportation services, respite services, home modifications, and health and wellness services. H.B. No. 200, C.D. 1 also helps to fund many programs that will actually prevent falls and injuries that have been attributed to the high

cost of health care, and so these are very important investments that we are making to not only improve the quality of life, but also, practically speaking, reduce our health care costs over time.

"Also noteworthy this year is funding that addresses shortfalls in early intervention services for children with special health needs. It also supports home- and community-based waiver services for developmentally disabled children and adults, and funds health care payments for people eligible for QUEST and QUEST Expanded, impacting over 270,000 people in Hawai'i; as well as implements the Affordable Health Care Act requirements that would allow young people to be covered by their parents up to 26 years of age who are still living with them.

"H.B. No. 200, C.D. 1 also restores funds to the acute care hospitals at a higher Medicaid reimbursement rate. It increases the reimbursement rates for primary care physicians, reflecting federal funds that will become available to Hawai'i as part of the Affordable Care Act. It also supports the technology and programming work necessary to complete the new, more efficient, and accountable Medicaid eligibility system by October 1 of this year to enroll Hawai'i's eligible residents needing health care insurance and meet the Affordable Health Care Act starting date, which is January 1, 2014. I really appreciate all the hard work of the Medicaid staff; they have done work that truly, truly we are appreciative of in a very short time period with the community.

"There are also resources appropriated in H.B. No. 200, C.D. 1 to support neighborhood centers and wraparound services statewide for families so that there can be prevention of child abuse and neglect and promote healthy family relationships. There is also funding that will support voluntary foster care that will provide stable housing for youth while attending higher education or working, up to age 21.

"There are also two parole officer positions for neighbor islands to allow youth to stay on their islands and reduce the number of neighbor island youth that have to go to O'ahu each year to the Hawai'i Youth Correctional Facility. There are also funds to continue supporting the 28 middle schools with resources for positive after-school programs statewide using TANF funds, as well as resources to domestic violence shelters and sexual assault services, legal services for our very poor, funding for deaf and blind support services, and funds to support the Commission on the Status of Women and the state's Fatherhood Commission.

"Finally, I wanted to highlight the Legislature's commitment to address homelessness and affordable housing options for people in our state. Through H.B. No. 200, C.D. 1 – in combination with S.B. No. 515, C.D. 1 – the Legislature fully funds \$1.5 million for the Housing First Pilot Program statewide to assist chronically homeless people obtain and maintain permanent housing. It also begins much-needed repair and maintenance of our existing homeless shelters, and supports a centralized service system of health care for the seriously mentally ill within our Medicaid program.

"These initiatives, along with other significant allocations for shallow rent subsidies, veteran services, public housing renovations, substance abuse treatment and mental health services, Rapid Re-Housing, Shelter Plus Care, and increased funding for the rental housing trust fund and dwelling unit revolving funds, will help in the affordable housing infrastructure needed to begin addressing the anticipated 50,000 new housing units needed in Hawai'i in the next four years.

"Thank you very much, Madam President and colleagues; thank you so much to the people of Hawai'i for your support of H.B. No. 200, C.D. 1. Thank you."

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

"I rise in strong support of H.B. 200, C.D. 1, and offer my appreciation to the chair of Ways and Means and the committee for their support of initiatives proposed by our Committee on Agriculture. I'd also like to thank my staff and other members of the committee for helping move the bills forward. The eight bills that the conference committee approved will move our hopes and desires to broaden and ensure the long-term health of our agricultural industry. I'd also like to thank the members of this chamber for keeping the focus on agriculture. Again, mahalo."

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

"I would like to thank my colleagues and urge their votes – a big 'yes' vote – because we have expressed a great desire in the budget document to be able to support our state parks. We have included dollars that would address tremendous budget deficits in particular areas in recreation regarding payroll and maintenance problems.

"We also included dollars, which I'm hoping that next session we'll be able to address, for land appraisals and other studies at Turtle Bay on this island for the possibility of acquiring those pieces that are historically and culturally appropriate.

"We also included dollars for the Hawai'i State Historic Preservation Division to continue their works and to upgrade their computer system, which is necessary, and of course it complies with federal requirements.

"The other part of our committee addressed recreational fishing, which I think is paramount in our state. And we were able to get added dollars to our recreational fishing to be able to increase those opportunities, and more importantly, to look at the issue of restocking our fisheries; and I think restocking our fisheries is something that we definitely have to take into consideration.

"Also, supporting lifeguard services; I think it's really critical. We had a big front page about the situation on Kaua'i; and I think it's very important that we're able to educate not only the malihini but also the kama'āina as to ocean safety. So, I'm very happy that we were able to help in these areas.

"Also, I would like to support the remarks that were made by the chairman on Agriculture. My only disappointment, if I may say, is that I was hoping that we could have passed the legislation that would have empowered the Agricultural Development Corporation, the ADC. I feel that the ADC is critical for our future in agriculture because the whole purpose of the ADC is not to empower government, but is really to help to empower the private sector because it's the private sector that is going to push agriculture to the forefront and be able to allow us to produce more of our food locally. As you know, we are exporting almost \$2 billion out of state for those purposes.

"The disappointment for me in your Water and Land Committee was our inability to get out our geothermal legislation. I felt it was critical to the furtherance of geothermal energy. Simply, the Senate position was to restore the Hawai'i County oversight of geothermal energy development. I feel it's critical that we need to address that next session, and also look at the whole complexity of reserve lands in the State of Hawai'i.

"So with that, Madam President, I'm urging all my colleagues to please vote in support. Thank you."

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

"And now, the rest of the story: yes, we have to have a budget, but do we need such a big budget? Many of us can remember when the Legislature debated a two-year, \$4 billion budget. Now we're at \$24 billion – six times more. We have to ask ourselves: have the people of Hawai'i had a six-times increase in their standard of living, in their wellbeing, in their economic security?

"There were references made to the revitalization of the economy, rebounding of construction, and so forth. Yet if you talk to people that are involved in any of these industries, you find that that's not true. The visitor industry is carrying the entire economy all by itself. Construction? The workers are still on the bench. Retailing is flat. Wholesaling, manufacturing – practically nonexistent. We are struggling in this community.

"And when we look at individuals, single moms, and families, and small businesses, they have to go through a budgetary problem and process also. They don't have the luxury of all the staff and all the people that we have – of course, they're paying for all of us, too. And they have to make really hard decisions. And most of those decisions result in a change of direction, a change of course, not because they want to do without, not because they want to do with less, but because they have to.

"And yet here we are passing a budget today of \$24 billion, and we say that it's fiscally prudent. We talk about the investments that we're making, and yet, they're not investments. An investment is a voluntary decision made by an individual with his or her own money. There's no money in this room right now, except maybe up in the galleries, and we're coming after it – every penny of it. And not only do you have to support the state's budget, you have to support the City and County of Honolulu or your neighbor island budget, and you have to support the federal government budget. There's only one source for income. The government doesn't have any money; it only has the money that it takes from you.

"Instead of changing our course, we've added more things for the government to do. You heard the list from my colleagues. Many of them you can argue are very worthy programs, very worthy projects, and yet, if we really think back on a lot of them, we find that many of these projects were done by individuals in the past. We were responsible for our own lives, and now it's the government. And with only 50 percent of the people in Hawai'i voting now, that means that 50 percent of the people are telling government what they want and allowing the other 50 percent of the people to foot the bill. There are many good things in the budget. There are many programs that we need, but government should be limited to those things that the people cannot or are unable to do for themselves. Instead, we have heightened the welfare and entitlement society, and we've got people coming in here, duplicating efforts, asking for money.

"But again, the money is not coming from us; the money is coming from the taxpayers. And while it is true that there are no major tax increases to fund this budget this year, these expenditures will generate demands for new tax revenues in the years to come. The governor's already said that. Not this year, not next year, but the following years. The Budget and Finance Director of the state said this state will be broke in 2017 – he said that!

"Now, I admire the work that my colleagues have done. I was part of the Ways and Means process; I know how hard they worked and how sincere and dedicated they are. Yet, we're moving in the wrong direction. We continue to make government the focal point of our lives and to pay handsomely for it.

"Madam President, you realize that a month ago I presented an alternative budget done by the minority, done by our Budget Director Mr. Harleman over there; very detailed, very specific, and yet it showed how we could change the course of government spending and, therefore, the burden of our taxpayers. We didn't do that. You may recall that the governor's initial executive budget added \$1 billion to our spending. The House initially cut that down by \$600 million, including removing 1,000 vacant state positions, but in the conference committee that ensued, most of that money and those expenditures were put back and most of those employee positions were put back.

"Sometimes it seems to me that we are down here for one purpose and one purpose only, and that is: to finance the three major public employee unions with compensation and benefits unheard of in most of the private sector, and to fund duplicative nonprofit organizations. There is nothing in the budget or in the bills that we're about to vote on that improves Hawai'i's business and investment climate. There is nothing that we're going to do today that is going to generate more private jobs, more private wealth, more private income, or change the negative position of this state among the other 49 states. And that's what we should be concerned about: new revenues.

"Now, I do like the fact that in the budget there is a commitment and substantial amount for recapitalization. And as I've done in the past, I laud the administration for keeping their promise and their commitment to pay back the Hurricane Relief Fund, the Rainy Day Fund, because that's a part of Hawai'i's credit rating. And I also support the idea of recapitalizing and paying for our tremendous unfunded liability. Just think about it: the budget is \$24 billion for two years. Our current unfunded liability for employees' retirement and employees' health is \$25 billion, the worst in the nation; and the taxpayers are on the hook to pay that.

"Now I've always said when government makes a promise, they have to keep that promise, and I don't disagree with that. But we should take that in mind when we're talking about adding new programs, new expenditures, new outlays because these programs, even when they start new and they start small, every year they grow bigger. There are calls for more personnel, more office space, more money to operate, and that's what's going to happen and we're going to see that in a number of bills that we're about to vote on. And by the way, in case the public is not aware: while the budget bill is \$24 billion, we still have dozens and dozens of other single appropriation bills, which will add even more millions of dollars to this mix.

"So colleagues, I know we have to have a budget, but we're going in the wrong direction. We're not doing anything to reduce dependence on government, that doesn't do anything to improve the status of our residents in Hawai'i. And many of them cry out to us to be responsible, as they must themselves, and yet we continue spending.

"I will conclude by saying that I think it's everybody's responsibility to support the necessary parts of government. And so from my standpoint, now that I've enjoyed your company for 17 sessions, I calculated that over those 17 sessions, in addition to our salary – which we now have no vote on when there are increases proposed – we get an annual office allowance. In 17 years, I have not touched a penny of that office allowance, choosing instead to pay for things outside of my legislative responsibilities with my own dime. So, I calculated what that amount was over the 17 years and I came up, Madam President, with a sum of \$118,037. And so, to show my participation, I'm going to present a check to the taxpayers for that amount: \$118,037. *[Holds up giant check.]* I'm sure the money's around here somewhere; it's probably in a special fund. And I would like to give this money to the keiki because everybody knows that everything we do in Hawai'i is for the

keiki. So that's my contribution to the budget, and I support that budget with reservations. Thank you, Madam President."

The Chair noted:

"The Chair would like to join in on behalf of all the senators here to thank our Ways and Means chair, Senator Ige; our vice chair, Senator Kidani; and your staff. As a former Ways and Means chair, I know how much work it takes, how many hours, the long nights, weekends – especially on the staff's part – and we all thank you very much for that sacrifice and for your families, we thank them, as well. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 105 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, 25; Ayes with Reservations (Slom, Taniguchi). Noes, none.

Conf. Com. Rep. No. 55 (H.B. No. 32, S.D. 1, C.D. 1):

By unanimous consent, Conf. Com. Rep. No. 55 and H.B. No. 32, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," were recommitted to the Committee on Conference.

At 11:13 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:15 a.m.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2013

Conf. Com. Rep. No. 10 (S.B. No. 960, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 10 was adopted and S.B. No. 960, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 13 (S.B. No. 995, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 13 was adopted and S.B. No. 995, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION WATER DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 14 (H.B. No. 1207, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 14 was adopted and H.B. No. 1207, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 44, S.D. 1, H.D. 1:

On motion by Senator Green, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 44, S.D. 1, and S.B. No. 44, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO

MENTAL HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 682, S.D. 2, H.D. 1:

On motion by Senator Espero, seconded by Senator Galuteria and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 682, S.D. 2, and S.B. No. 682, S.D. 2, H.D. 1, 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, 25. Noes, none.

S.B. No. 1106, S.D. 2, H.D. 2:

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1106, S.D. 2, and S.B. No. 1106, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

FINAL READING

Conf. Com. Rep. No. 15 (S.B. No. 3, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Hee and carried, Conf. Com. Rep. No. 15 was adopted and S.B. No. 3, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 16 (S.B. No. 407, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 16 was adopted and S.B. No. 407, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 17 (H.B. No. 1405, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 17 was adopted and H.B. No. 1405, H.D. 2, S.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. 19 (H.B. No. 235, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 19 was adopted and H.B. No. 235, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF RESTITUTION FOR CRIME VICTIMS," 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. 1118, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 20 was adopted and S.B. No. 1118, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 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. 23 (S.B. No. 1077, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 23 was adopted and S.B. No. 1077, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OWNER-BUILDER EXEMPTION," 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. 1265, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 24 was adopted and S.B. No. 1265, S.D. 1, H.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 26 (H.B. No. 673, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Gabbard and carried, Conf. Com. Rep. No. 26 was adopted and H.B. No. 673, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 27 (H.B. No. 587, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 27 was adopted and H.B. No. 587, H.D. 1, S.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, 25. Noes, none.

Conf. Com. Rep. No. 28 (H.B. No. 805, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 28 was adopted and H.B. No. 805, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 29 (H.B. No. 924, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 29 was adopted and H.B.

No. 924, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 30 (H.B. No. 1149, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Baker and carried, Conf. Com. Rep. No. 30 was adopted and H.B. No. 1149, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 31 (H.B. No. 560, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Taniguchi and carried, Conf. Com. Rep. No. 31 was adopted and H.B. No. 560, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING URBAN GARDENING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 32 (H.B. No. 87, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 32 was adopted and H.B. No. 87, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 33 (H.B. No. 888, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Hee and carried, Conf. Com. Rep. No. 33 was adopted and H.B. No. 888, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF PERSONAL PROPERTY ON PUBLIC HOUSING PROPERTIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 34 (H.B. No. 1381, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Baker and carried, Conf. Com. Rep. No. 34 was adopted and H.B. No. 1381, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 36 (H.B. No. 423, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 36 was adopted and H.B. No. 423, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUREAU OF CONVEYANCES," 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. 239, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 37 was adopted and S.B. No. 239, S.D. 1, H.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. 40 (S.B. No. 1209, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator English, seconded by Senator Baker and carried, Conf. Com. Rep. No. 40 was adopted and S.B. No. 1209, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," 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. 1161, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Solomon, seconded by Senator English and carried, Conf. Com. Rep. No. 41 was adopted and S.B. No. 1161, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VESSELS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 42 (S.B. No. 1339, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 42 was adopted and S.B. No. 1339, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL AREAS," 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. 1025, H.D. 3, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 43 was adopted and S.B. No. 1025, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 44 (S.B. No. 933, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Espero and carried, Conf. Com. Rep. No. 44 was adopted and S.B. No. 933, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRICARE PROGRAM," 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. 697, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 46 was adopted and S.B. No. 697, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE," 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. 88, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 47 was adopted and S.B. No. 88, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS IN PUBLIC HOUSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 49 (S.B. No. 1042, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 49 was adopted and S.B. No. 1042, S.D. 2, 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, 25. Noes, none.

Conf. Com. Rep. No. 51 (H.B. No. 1132, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 51 was adopted and H.B. No. 1132, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC DISCLOSURE OF FINANCIAL INTERESTS STATEMENTS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 57 (H.B. No. 21, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 57 was adopted and H.B. No. 21, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 58 (H.B. No. 635, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Baker and carried, Conf. Com. Rep. No. 58 was adopted and H.B. No. 635, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BROADBAND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 59 (S.B. No. 1176, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 59 was adopted and S.B. No. 1176, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 60 (S.B. No. 1073, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 60 was adopted and S.B.

No. 1073, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICE CORPORATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 61 (S.B. No. 6, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 61 was adopted and S.B. No. 6, 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, 25. Noes, none.

Conf. Com. Rep. No. 62 (S.B. No. 9, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 62 was adopted and S.B. No. 9, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 63 (S.B. No. 31, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 63 was adopted and S.B. No. 31, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 64 (S.B. No. 192, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 64 was adopted and S.B. No. 192, H.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, 25. Noes, none.

Conf. Com. Rep. No. 65 (S.B. No. 890, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 65 was adopted and S.B. No. 890, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LABOR RELATIONS BOARD," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 66 (S.B. No. 966, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 66 was adopted and S.B. No. 966, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 68 (H.B. No. 25, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 68 was adopted and H.B. No. 25, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUSPENSION OF FORECLOSURE

ACTIONS BY JUNIOR LIENHOLDERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 69 (H.B. No. 62, H.D. 2, S.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 69 be adopted and H.B. No. 62, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Green requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"The provisions of this measure are intended to ensure information about individuals who purchase medications through PBMs is not inappropriately used to promote other products and services that are medically unnecessary.

"It is not the intent of this Bill to impede the development, promotion and implementation of managed care plans programs such as patient centered medical homes, pay for quality initiatives and health IT exchange that benefit the health and safety of the individual."

Senator Baker requested 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:

"Increasingly, health plans turn to pharmacy benefit managers (PBMs) to handle the drug benefits for plan members. While PBMs can perform a valuable function for members and plans, there is growing evidence that PBMs in Hawai'i and elsewhere are using the patient's health information at their disposal inappropriately. Some pharmacy benefits managers have gone beyond using a patient's health information to process prescription claims and, instead, use a patient's health information for marketing purposes without the patient's express consent. This practice is a breach of privacy under the State Constitution. Also the inappropriate sharing of a patient's personal health information directly violates provisions of the Health Insurance Portability and Accountability Act (HIPAA), a federal law. HB62, CD1 strives to increase protection and raise the bar on patient privacy.

"HB62 CD1 addresses the practices and protects the privacy of an individual by prohibiting pharmacy benefits managers from marketing, selling or disseminating an individual's health information for marketing or profit. Moreover, this measure makes clear that a pharmacy benefits manager shall not directly contact an individual by any means for the purpose of marketing pharmacy services to their subsidiaries unless the contact is medically necessary for the health and safety of the individual or the individual has expressly given consent for such contact.

"In the interest of consumer protection, I urge all my colleagues to vote 'Aye' on this bill. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 69 was adopted and H.B. No. 62, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACY BENEFITS MANAGERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 70 (H.B. No. 1187, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 70 was adopted and H.B. No. 1187, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 71 (H.B. No. 398, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 71 was adopted and H.B. No. 398, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 72 (H.B. No. 1137, 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. 72 was adopted and H.B. No. 1137, H.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 73 (H.B. No. 951, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Hee and carried, Conf. Com. Rep. No. 73 was adopted and H.B. No. 951, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE SERVICE OF PROCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 75 (S.B. No. 19, S.D. 1, H.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 75 be adopted and S.B. No. 19, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Gabbard requested that remarks in support of the measure be entered into the Journal, and the Chair so ordered.

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

"Madame President, I rise in strong support of this bill. I'm a staunch advocate of distributed generation – generating electricity where it is used. And photovoltaic is a great means to that end.

"However, up to now, renters could not enjoy the benefits of distributed generation. And that's unfortunate because renters make up 40% of our population. Until now, if landlords and lessors wanted to install PV on their property and sell power to their tenants, they would have been considered a public utility. This was a huge deterrent.

"We have heard from a guy on the Big Island who owns a single-family dwelling that he rents out. He installed a PV system on the roof of the rental home with the intention of selling electricity to his tenant to pay for the system.

"However, his tenant, who evidently has a sharp lawyer, refused to pay for the power on the grounds that the landlord was not a public utility and did not have a proper exemption. For a while, the landlord gave electricity to his tenant for free. Finally, he got fed up. He disconnected and padlocked the PV system. So that means that the landlord is not getting any compensation for the PV system that he paid for. The tenant is not getting the lower-priced power from the landlord. And the PV system is just sitting on the roof unused.

"This bill will help situations like that. And we have included strong language to ensure that this statute could not be used for wheeling, which is when a person generates electricity, sells it to a customer and transmits it over the transmission and distribution lines belonging to a third-party, such as HECO. Colleagues, I ask for your support for this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 75 was adopted and S.B. No. 19, 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, 25. Noes, none.

Conf. Com. Rep. No. 77 (S.B. No. 310, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 77 was adopted and S.B. No. 310, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 79 (S.B. No. 548, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Green and carried, Conf. Com. Rep. No. 79 was adopted and S.B. No. 548, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 80 (S.B. No. 94, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 80 was adopted and S.B. No. 94, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INTERAGENCY COUNCIL ON HOMELESSNESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 81 (S.B. No. 102, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 81 was adopted and S.B. No. 102, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 84 (S.B. No. 1003, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 84 was adopted and S.B. No. 1003, S.D. 2, H.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 85 (S.B. No. 993, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 85 was adopted and S.B. No. 993, S.D. 2, H.D. 1, C.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 86 (S.B. No. 1360, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Baker and carried, Conf. Com. Rep. No. 86 was adopted and S.B. No. 1360, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 88 (S.B. No. 305, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 88 was adopted and S.B. No. 305, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC HOUSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 89 (S.B. No. 1336, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 89 was adopted and S.B. No. 1336, S.D. 2, H.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, 25. Noes, none.

Conf. Com. Rep. No. 91 (S.B. No. 458, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Ige and carried, Conf. Com. Rep. No. 91 was adopted and S.B. No. 458, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT 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. 93 (S.B. No. 1340, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Espero and carried, Conf. Com. Rep. No. 93 was adopted and S.B. No. 1340, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FOSTER CARE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 95 (S.B. No. 1388, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 95 was adopted and S.B. No. 1388, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 98 (S.B. No. 563, S.D. 3, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 98 was adopted and S.B. No. 563, S.D. 3, 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, 25. Noes, none.

Conf. Com. Rep. No. 99 (S.B. No. 326, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 99 was adopted and S.B. No. 326, S.D. 1, H.D. 1, 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. 100 (H.B. No. 762, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 100 was adopted and H.B. No. 762, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WASHINGTON PLACE,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 101 (H.B. No. 536, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 101 was adopted and H.B. No. 536, H.D. 1, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 102 (H.B. No. 899, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Ige and carried, Conf. Com. Rep. No. 102 was adopted and H.B. No. 899, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RECYCLING,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 108 (H.B. No. 471, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Espero and carried, Conf. Com. Rep. No. 108 was adopted and H.B. No. 471, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO STARLIGHT RESERVE,” having

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 110 (H.B. No. 928, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 110 was adopted and H.B. No. 928, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FUNDS UNDER THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS," 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. 977, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator English, seconded by Senator Espero and carried, Conf. Com. Rep. No. 111 was adopted and H.B. No. 977, H.D. 2, 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. 112 (H.B. No. 218, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 112 was adopted and H.B. No. 218, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," 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. 114, H.D. 3, S.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Dela Cruz and carried, Conf. Com. Rep. No. 117 was adopted and H.B. No. 114, H.D. 3, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," 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. 430, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 118 was adopted and H.B. No. 430, H.D. 1, 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, 25. Noes, none.

Conf. Com. Rep. No. 121 (H.B. No. 1068, 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. 121 was adopted and H.B. No. 1068, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING," 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. 1147, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 125 was adopted and H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 128 (S.B. No. 635, S.D. 1, H.D. 3, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 128 was adopted and S.B. No. 635, S.D. 1, H.D. 3, 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, 25. Noes, none.

Conf. Com. Rep. No. 129 (S.B. No. 82, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 129 was adopted and S.B. No. 82, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE 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. 131 (S.B. No. 1349, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 131 was adopted and S.B. No. 1349, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 134 (S.B. No. 1206, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 134 was adopted and S.B. No. 1206, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX COLLECTION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 137 (H.B. No. 763, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 137 was adopted and H.B. No. 763, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 138 (H.B. No. 988, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 138 was adopted and H.B. No. 988, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL

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

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 143 (H.B. No. 749, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Hee and carried, Conf. Com. Rep. No. 143 was adopted and H.B. No. 749, H.D. 2, S.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 152 (S.B. No. 5, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 152 was adopted and S.B. No. 5, S.D. 1, H.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, 25. Noes, none.

Conf. Com. Rep. No. 153 (S.B. No. 244, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Tokuda, seconded by Senator Hee and carried, Conf. Com. Rep. No. 153 was adopted and S.B. No. 244, 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. 154 (S.B. No. 877, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 154 was adopted and S.B. No. 877, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH HEARINGS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 156 (S.B. No. 551, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 156 was adopted and S.B. No. 551, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO A MEMORIAL,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 175 (H.B. No. 1374, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 175 was adopted and H.B. No. 1374, H.D. 1, S.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, 25. Noes, none.

FINAL READING

MATTER DEFERRED FROM MONDAY, APRIL 22, 2013

Conf. Com. Rep. No. 1 (S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 1 and S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS,” was deferred until the end of the calendar.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 26, 2013

Conf. Com. Rep. No. 11 (S.B. No. 1196, S.D. 1, H.D. 1, C.D. 1):

Senator Ige moved that Conf. Com. Rep. No. 11 be adopted and S.B. No. 1196, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kidani.

Senator Sлом rose to speak in opposition to the measure as follows:

“The bill would provide an unnecessary burden for small businesses, very small cash transactions. I know the idea the government wants to ‘trap’ those people that are using the cash economy and all that, but in spreading their net they’re going to impact the very small businesses, and that’s a bad procedure. Thank you.”

Senator Ruderman requested his vote be cast “No,” and the Chair so ordered.

The motion was put by the Chair and carried, Conf. Com. Rep. No. 11 was adopted and S.B. No. 1196, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CASH ECONOMY ENFORCEMENT,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 3 (Ruderman, Sлом, Thielen).

Conf. Com. Rep. No. 12 (S.B. No. 1207, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 12 be adopted and S.B. No. 1207, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Solomon.

Senator Thielen rose to speak in opposition to the measure as follows:

“What this bill does is it grants the Department of Transportation Harbors Division an exemption from having to obtain a conservation district use permit for any improvement that they do on submerged lands, and that would include new harbors or expansions of harbors. One of the reasons that Department of Transportation has argued that we don’t have to worry about this exemption is they say that they’ll still be subject to the federal permits under the U.S. Army Corps of Engineers. But the federal permits, while they do cover some of the same environmental and resource protections as our state law, there is a very large area of our state law that the federal permits do not address, and that’s under Article XII of our Constitution, Section 7: traditional and customary rights. Under the Constitution, the state ‘shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes.’

"We've had a lot of case law in Hawai'i, including the Pele Defense Fund, the Public Access Shoreline Hawai'i, and Kapa'a Kai O Ka 'Āina, which have interpreted these provisions to mean that the public has to have access to the ocean and to the resources contained therein. Since I grew up on O'ahu, I really wasn't aware of how limited the public access to the ocean is on our younger islands, including Maui and the Big Island, where the shorelines are hardened, and in many of these areas, people rely upon our commercial harbors for access for surfing, fishing, canoe paddling, and the like.

"I'm hopeful that if this measure does pass, and if we do exempt the State Harbors Division from having to get conservation district use permits, that we will come back next year and require that these rights be protected through our state permitting process because if we rely exclusively on the federal permits, we're going to be jeopardizing that public access. Thank you, Madam Chair."

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

"Point of clarification: you know, my understanding is that the constitution trumps any of the laws that we pass, and all of our laws must be conforming with it. Therefore, Article XII of the Constitution, which protects traditional and customary rights, is paramount law of the land, and any law that we pass must be conforming with that.

"The idea of access to the ocean is one that I guard very, very dearly coming from Hāna, coming from east Maui, and representing Moloka'i, Lāna'i, Kaho'olawe, and all of eastern, upcountry, and the north shore of Maui. But let's make sure that we're talking about the same thing. This bill does not infringe, in my opinion, on the traditional and customary rights. In fact, most of our harbors on the neighbor islands have a dual use. The rural harbors – let's say Kaunalapau on Lāna'i, Kaunakakai on Moloka'i, Hāna Harbor on Maui, and even Kawaihae and Hilo Harbors – have a very delicate balance between traditional uses: fisherman going down, canoe paddling, etc. And the imposition of the TSA, the federal security and Homeland Security laws – I remember a few years ago in Kaunalapau on Lāna'i we had a big issue where the Homeland Security organizations wanted to shut down the harbor to public access period in the name of homeland security. Well, we worked it out so that fishermen and traditional access can occur there and traditional uses.

"So, I can give you assurances that this bill in no way tramples or infringes on traditional gathering rights as enumerated in the constitution, and I ask for continued support of this measure. Thank you."

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

"Madam President, I just would like to rise in strong support of the remarks that were made by our Transportation chairman, and I do have some remarks that I'd like to submit in support to the Journal." (The Chair so ordered.)

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

"This bill proposes to provide an exemption from the permit and site plan approval requirements relating to submerged lands within the State's commercial harbors system in the Conservation District. This exemption will enable the Harbors Division to more efficiently implement needed projects to meet the growing needs of the maritime industry.

"Sufficient oversight already exists for submerged land within the State's commercial harbors system for the preservation of the ecosystem, flora and fauna. SB 1207 will

eliminate redundant plan review and permitting. The DOT will continue to be subject to:

The requirements of Chapter 343, Hawaii Revised Statutes,
The U.S. Army Corp of Engineers Permit requirements,
U.S. Environmental Protection Agency requirements,

Oversight by the State Department of Health for federal programs such as the Clean Water Act.

"The above listed review processes more than adequately address the environmental concerns and public interest and the proposed bill will eliminate any delay for obtaining permit and site plan approvals that are already covered under these processes. This proposal will allow the DOT Harbors Division to more timely and efficiently implement harbor projects."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 12 was adopted and S.B. No. 1207, H.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, 21. Noes, 4 (Green, Ihara, Ruderman, Thielen).

FINAL READING

MATTERS DEFERRED FROM THURSDAY, APRIL 25, 2013

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

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

Senator Slom rose to speak in opposition to the measure as follows:

"While I certainly agree that anyone committing any offense with something that looks like a firearm or is a simulated firearm should be punished, I think the problem with this bill is a problem with the proposed law: it treats simulated firearms exactly the same as lethal firearms in the case of terroristic threatening and robbery. It would be in the first degree, and I think you've got to have some separation, you've got to have a difference between the use of those things. I know that people, if they're confronted with a simulated firearm, they're not going to take time to decide whether it's simulated or real, and I appreciate that; I'm just talking about the actual punishment. Thank you."

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

"You know, if you think of a clerk working at 7-Eleven for minimum wage, and some person in a hood shows up with a plastic gun, sticks it in her face, and says, 'Give me your money,' she won't have, in my opinion, the wherewithal to tell this individual – who, for the case of this discussion, would be a male – 'That's a toy gun; go get your money someplace else.'

"The reason it's first degree is precisely that: there's no degrees of fear when somebody sticks a gun in your face; and if there were degrees of fear and degrees of identification of a plastic gun and a real gun, the defendant, if caught, would say, 'I should be charged in the second degree because it was a plastic gun and not a real gun,' as if to distinguish that there are two types of crimes in robbery. The only distinction between a plastic gun and a real gun is he can't shoot her dead.

"That is the reason law enforcement make no distinction when it came to a simulated firearm, because if they did so, as they have in the past, the defendant would say, 'I knew it was plastic, so I should not be charged with robbery in the first degree.' Law enforcement, led by the attorney general, was very, very adamant that closing the loophole and treating

the perpetrator with the simulated firearm as if it were real is appropriate in this case. 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. 2, and S.B. No. 2, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SIMULATED FIREARMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1171, S.D. 1, H.D. 2:

Senator Wakai moved that S.B. No. 1171, S.D. 1, H.D. 2, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Hee rose to speak in opposition to the measure as follows:

“As all of you are well aware, I have spoken passionately in opposition to this measure since its introduction. I would like to point out what I believe to be misunderstandings, in the least, and flat-out ignorance on what this bill does.

“As we have heard in caucus, this bill allegedly codifies the federal law that allegedly allows for phasing. I would challenge anyone in support of this bill to get up after me and cite the federal law. I challenge you because there is no federal law. There is no federal law. I invite the individual in support to stand after me and cite the federal law. That’s point number one.

“In its testimony before the respective committees, the Department of Transportation justified the passage of this proposal because, and I quote, ‘Senate Bill 1171 would make Hawaii law consistent with the National Historic Preservation Act, Section 106, 36 CFR Section 800.4(b)(2)(2010).’ DOT went on to say this bill would make state historic preservation laws consistent with federal historic preservation laws. I challenge the individual who will stand up next in support of this bill to defend that position.

“The fact is – the fact is – S.B. No. 1171 will not bring any consistency between federal and state historic preservation laws. The Department of Transportation is confused in its definition of the terms ‘statute,’ ‘law,’ ‘regulations,’ and ‘rules,’ and like maple syrup, they have poured it on each of us. A statute or a law is an act of the legislature that declares, prescribes, or commands. A regulation or a rule describes how the statute or law will be implemented. In this case, the applicable federal statute cited is Section 106 of the National Historic Preservation Act, which says in its entirety, ‘Section 106 – Advisory Council on Historic Preservation, comment on Federal undertakings. The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall – shall – prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, any site, any building, any structure, or any object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.’

“The federal statute says nothing – zero, ‘ole, squat – about phased reviews. Nothing. ‘Ole. Zero. Squat. And for that matter, phasing of any kind. That language is found only within the much more detailed implementing regulations for Section

106 at 36 CFR Part 800. You may check it for yourself; and the presumption is the person who stands in support after me has done so because he will be asked by me. Unless Congress is planning to amend Section 106 of the NHPA, passage of this bill will not make state law consistent with federal law because phasing does not exist in federal law. To say the DOT is confused is to be kind.

“This is nothing more than a taking by the state executive in response to a Supreme Court decision entitled *Kaleikini*. That’s all it is. You can fluff it up any which way you want; if it quacks, it’s a duck. And this is a duck. When the Supreme Court’s ruling on *Kaleikini* was handed down in August 2012 – August 2012 – the executive branch of this government could have and should have immediately begun to amend the existing administrative rules at Hawai’i Administrative Rules 13-275 and 13-284. Had they done so expeditiously, it is highly likely that the necessary amendments would be in place by now, allowing for phased project reviews that the DOT alleges it needs. Instead – instead – the executive branch inexplicably delayed taking action – any action – until the beginning of this session, and S.B. No. 1171 is the disingenuous action taken by the executive to suggest that phasing is necessary when it is not. The fact of the matter is, no matter what anybody says after I’m done, this legislation is not necessary. The rules under Hawai’i Administrative Rules provides the Department of Transportation with all necessary rulemaking authority, and if somebody can tell me differently, I’m here.

“You know, when I started on this bill, I thought we’d have a discussion about the ‘āina iwi kūpuna. It’s not about that. That’s only the reason we shouldn’t do it. What it’s about is being led to believe that this is so critical that highways cannot be built. That’s not true, and I just explained why. So critical that this bill is so broad, so vague that this allows for private developers to move forward. This is not about highways; this is about everything. That broad, that vague, and so pohō when this can be done. So pohō when the water bucket’s delivered to us. If not for people like Sara Collins – most of you know Sara, you folks been around long enough – to weigh in on the distinctions of the law, we’d be flying this bill through because without it, ‘cannot build highways.’ No. No. Hawai’i Administrative Rules: O ‘oe ke kahe kia’āina hana ‘oe – get your work done.

“I thought I’d use this bill as an attack on our culture, an attack on the host culture. It’s not necessary. It’s not necessary. We could be in Iapana, and if the rules existed there as they do here, we wouldn’t have to talk about the iwi because it’s not necessary. It’s only another example of the erosion of the host culture, which politicians use every time they run for office.”

The Chair interjected:

“The Chair would like to ask if we could have courtesy from the audience to allow for the final speeches.”

Senator Hee continued:

“Thank you, Madam President. This bill is as inappropriate as it is for us to use words like ‘aloha,’ to use a word like ‘pono.’ ‘A’ole. This is not pono, and this is not aloha. This is not necessary.

“And so the next person who stands up in support, I would ask you, as you go about supporting the bill, to respond to the federal law; respond to the federal law because when you do so, the Society of Hawaiian Archaeology is going to learn something. I have a hunch that I’m going to use my second time to stand up shortly. Thank you, Madam President.”

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

"Opponents would like you to believe this bill would give the state a license to bulldoze important historical or cultural sites. But really, nothing could be further from the truth.

"The truth is this measure makes only two 'procedural' changes.

"First, it provides a specific provision in state law which authorizes the phased review of certain projects by SHPD to ensure consistency between state and federal law. There are NO exemptions. This bill does not circumvent Chapter 6E, the state's historic preservation law. All required archaeological inventory studies will be completed and any necessary mitigation must be done before construction proceeds.

"Secondly, it removes redundancy in agency appeals, by deleting language providing the governor with the option to request a second study by the Hawaii Advisory Council on Historic Preservation.

"And the previous speaker asked me to cite the federal law that makes these words and phasing in congruence; and again, I cite the National Historic Preservation Act, section 106. And the part that I feel is pertinent here states, 'phase identification and evaluation where alternatives under consideration consist of corridors or large land areas where work access to properties is restricted, the agency may officially use a phase process to conduct identification and evaluation efforts.' So, we're both reading the same statutes, but obviously having very different interpretations. And I'd argue that this clearly, in federal law, allows for phasing, and we're simply making the laws locally in congruence with that.

"In the *Kalekini v. Yoshioka* ruling, on page 65, footnote 33, the Court suggested that SHPD amend its rules so that state law would be consistent with the federal law in the National Historic Preservation Act. That is exactly what the justices recommended, and exactly what we're about to do this morning.

"For decades, it has been a common practice to build projects in phases. This bill simply puts that practice in statute. If the state had a sketchy track record of desecrating historical sites, there may be reason for us to pause. But the opposite is true; the state has been an excellent steward of the land and has a record of preserving important cultural sites.

"Here's a sample of projects that have been phased in around the state:

On Oahu: Kahekili Highway, Kalaniana'ole Highway, Farrington Highway, Kamehameha Highway;

On the Big Island: Hawaii Belt Road, Volcano Road, Kuakini Highway;

On Maui: Haleakala Highway, Honoapiilani Highway, Hana Highway;

On Molokai: Kamehameha V Highway, Maunaloa Highway, Kalae Highway;

On Lanai: Kaunalapau Highway;

On Kauai: Kaunualii Highway and Kuhio Highway

"It would be ideal if the state and feds could bankroll entire projects once they are approved. But the reality is that funding for federal projects roll in over several years. Sometimes we don't own all the land we need at the beginning. We need to develop in manageable bites – or phases. If this bill is not passed, there will be delays in construction of new facilities or master planned projects. Just this morning, the attorney general indicated there is a likelihood that projects already in the pipeline could wind up back in court. On your desk, you have a list of potential projects that could stop in its tracks very soon if

there is further litigation, and all of these roads are highways that are coming to a neighborhood near each and every one of you.

"And it's not just transportation projects, as the previous speaker had mentioned; it includes renewable energy, agriculture projects, and school expansion.

"The Department of Hawaiian Home Lands has had master-planned communities 'phased in.' DBEDT's efforts to expand broadband, geothermal, sea water air conditioning would all be hampered. Even the Office of Hawaiian Affairs will likely have to phase in their master plan for their 25 acres in Kaka'ako that was given to them last year. They don't have enough money to do an entire plan all at once.

"Some opponents argue that doing an Archeological Inventory Survey at the start of an entire project COULD alleviate problems down the road, if a project has to be redirected in a subsequent phase.

"If we are going to contemplate hypothetical situations, I can also argue doing a comprehensive AIS at the start COULD cause more problems and cost more money. All projects don't turn out as initially planned; a road could be realigned or funding for a project could force developers to scale back their project. If you dig in an area that ultimately never gets developed, you've just disturbed remains that didn't need to be touched, and put money into a study that was not useful. That is a waste of time and resources.

"A comprehensive AIS at the beginning of a development doesn't guarantee there will be no problems later. An AIS is like hunting in the dark: you may hit your target, but oftentimes you come away empty-handed.

"This bill is NOT about being disrespectful. There are NO exemptions. If a survey identifies any burial sites, the project comes to an immediate halt. This bill IS about allowing progress to occur as it has for decades, and at the same time being VERY respectful of sacred sites around the islands.

"I encourage my colleagues to vote YES. Thank you, Madam President."

Senator Thielen rose to speak in opposition to the measure as follows:

"I'd like to raise two points: the first to address the comments that were just made by the senator to my left, and the second to add to the comments of the senator from Kahu'u.

"I heard the previous speaker mention that federal law does authorize phasing where the proposed project consists of corridors or large land areas where access to the properties is restricted. But this bill in front of us today adds a third category where it would allow a phased archaeological inventory survey where circumstances dictate that construction be done in stages. That's an extremely broad exemption to the existing practice. What does that mean? Is that going to apply to developments on relatively small footprints of land because the construction is done in stages, even when you can conduct an archaeological inventory survey relatively easily? Is that going to apply when private developers are developing areas where they're concerned that a portion of the land contains burials and they want to begin the phased archaeological inventory surveys in the regions that are less likely to contain burials or historic sites in order to get their preliminary approvals? This is an extremely broad exemption, and it sounds to me like that is nowhere in the federal law. So once again, we are having, similar to S.B. No. 1207, the Department of Transportation come in here and talk about a very broad-based exemption that is not necessary, and it's going to lead to a lot of consequences that I think many people in this room are going to regret.

"I want to add also to the remarks of the senator from Kahalu'u: allowing a phased archaeological inventory survey is going to change the process by which the approvals are done, and I'm speaking as the former Chair of the Department of Land and Natural Resources. Prior to project approval, if burials are found during an inventory survey, the determination on whether they should be removed or remain in place, the determination on the type of mitigation, the determination on the type of response is made by the Burial Councils. Once the project is approved, that determination is made by the State Historic Preservation Division. And I can tell you what will happen is if a phased AIS is allowed, a project is approved, and down the line your survey comes about and something is found, and there's been a lot of money spent on a project – there's been construction that's been started: the pressure that is going to be placed on that administrative determination by the State Historic Preservation Division – they're going to be asked and pressured to consider the economic impacts of their decision, and may reach a different decision than if that decision is made prior to the project approval by the Burial Councils. If we pass this bill, we are going to be changing not just the process but who will be making the decisions.

"So, I ask you to please consider that and oppose this measure. We can come back with a much narrower measure next year if it is necessary, or the department can engage in administrative rulemaking and go through a more thoughtful and lengthy process that we don't have the luxury of doing here during such a short session. Mahalo."

Senator Hee rose on a point of inquiry as follows:

"Will you ask the Senate member from Salt Lake if he will yield to a question? The question is: did the Hawai'i Supreme Court suggest, in the *Kaleikini* decision, that the Legislature change the law or that SHPD amend its rules? And if the answer is the Supreme Court did not suggest the Legislature change the law, but suggested that SHPD amend its rules, will you ask him if we are members of SHPD? Thank you."

The Chair directed the inquiry to Senator Wakai, who declined to yield to the question.

Senator Hee continued to speak in opposition the measure as follows:

"Then, I rise in opposition, yet again. I only do so to clarify reckless comments by the Senate member who spoke in support of this measure. He alleges that the state, in his remarks when it came to the topic of desecration of the land, he stated, 'The state has been an excellent steward of the land.' Really? Maybe he can elucidate and share with us how Kukui O Kane Heiau is no longer in existence. Really? 'The state is an excellent steward' – it's hard for me to even spit it out – 'of the land.' Those kind of comments are inappropriate when they're not true. The state might try to be an excellent steward, but it needs to try harder. Ask Paulette Kaleikini. Ask those descendants whose bones over a thousand were unearthed in 1988 at Honokahua; ask them. Ask the descendants whose bones were unearthed at Wal-Mart. Ask the descendants whose bones were unearthed at General Growth. Ask the descendants whose bones are being unearthed at Kahuku Plantation Village 5. Ask them what a good steward the state has been. Those comments are not necessary because they're not true.

"What is true is the Supreme Court suggested SHPD amend its rules. We should follow the advice of the Supreme Court and ask SHPD to amend its rules. I pointed them out to you. That's where the discussion should be held.

"The speaker in support rattled off a list of highways that have already been built, so many so I could only recall Kahekili, because I live at the end of Kahekili, and Hana, because I'm fond of Hana. But in between that was a whole list.

It begs the question: if those highways could be built, why can't future highways continue to be built? And if the state requires assistance through administrative rules, why not do what the Supreme Court says? Amend the rules. And that's really what's important. We can always pass laws, but this is not necessary. What is necessary, in the state's eyes on the advice of the Supreme Court, is to have SHPD amend its rules, and so that's what they should do, and save us the offensive remarks of native people about the excellent stewardship of the State of Hawai'i on the 'āina iwi kūpuna. Mahalo."

Senator Slom rose to speak in opposition to the measure as follows:

"It was a very interesting discussion thus far. And it is not a black and white issue, but it shows several things: one is that God bless the fact that we have so many lawyers writing so many bills that are so vague because anybody can interpret them any way they want. And then when they do, they go to court, they need more lawyers; and then they have appeals and they need more lawyers.

"I'm a little disappointed, however, to have ethnic divisiveness brought into the argument because this is an argument that people of all cultures and all ethnicities here in Hawai'i have felt very strongly about. We have unique environmental laws in the State of Hawai'i; we've always been proud of them. We've been different from the federal government, and we've stood alone. I, too, found the statement about the state stewardship most unusual because first of all, there would have been no State Supreme Court action or ruling had the builders and developers of the rail transit followed the law and done what they were supposed to do in the first place, but they didn't.

"Secondly, I represent east Honolulu, and an issue emerged a couple of months ago in Hao Street in 'Āina Haina where historical sites were allegedly bulldozed down when the state was asked for support, and an historic trail was asked to be kept open and the state was saying that they were not sure of the historic significance. So, that really is a problem. I don't think that stewardship has been well done.

"I think the final thing, however, is if we look to the past and what the state government has done or has not done, it has made a lot of people uneasy because we were told in the past, 'Just trust us.' And we did, with negative consequences.

"So, I think under the circumstances and with the arguments made, it is the right thing to do to oppose this bill; and Madam President, I request a Roll Call vote. Thank you." (The Chair so ordered.)

Senator Solomon requested 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:

"This bill gives the State Historic Preservation Division (SHPD) the discretion to allow archaeological inventory surveys to be conducted prior to each phase of complex, multi-year, multi-phased projects.

"The ability for phased reviews provides for the following:

"The flexibility for SHPD to address potential impacts to historic and cultural resources in the most effective manner when dealing with complex projects. SHPD would have the option of fashioning customized and adaptable preservation plans and measures when dealing with multi-year, multi-phased projects.

"Use of a phased AIS will allow SHPD to address potential impacts to these resources in the least intrusive manner.

Requiring an AIS for an entire project before construction begins will create significant delays, increased costs, and possibly unnecessary disturbance of potential burial sites and historic properties.

"This is especially true for complex projects, particularly those done by DOT.

"Phasing allows AIS's to be conducted at the start of final design of a portion of the project that is intended to be built, thereby minimizing the amount of area disturbed. If burial sites are found, there is still opportunity to make changes to avoid the sites.

"Allowing phasing of the AIS makes Hawaii's Historic Preservation Law Section 6E-8 consistent with federal historic preservation law and minimizes conflicts and duplication when projects involve both State and federal reviews."

Senator Ihara requested that remarks in opposition to the measure be entered into the Journal, and the Chair so ordered.

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

"I rise in opposition to SB1171.

"Madame President, I believe this bill seeks to address a legitimate concern that important highway projects may be unnecessarily delayed due to a recent court ruling involving the Honolulu rail project.

"However, the criteria for projects this bill allows – for phased review of archaeological surveys – is overly broad, which can lead to unnecessary harm archaeological sites and burials.

"Some schools, commercial complexes, and other projects with fixed footprints may be allowed to phase their project and construct buildings before due diligence is conducted for siting the other buildings.

"I believe SB1171 needs to be thought through much more to limit the negative outcomes that could arise. Not only harm to historic preservation, but financial losses caused by archaeological discoveries in later phases that require costly mitigations.

"Let's do this right and not rush before considering all the consequences."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1171, S.D. 1, and S.B. No. 1171, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS," having been read throughout and Roll Call vote having been requested, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16; Ayes with Reservations (Baker, Dela Cruz, Espero, Gabbard, Galuteria, Kim, Nishihara, Taniguchi). Noes, 9 (Chun Oakland, English, Green, Hee, Ihara, Ruderman, Shimabukuro, Slom, Thielen).

FINAL READING

Conf. Com. Rep. No. 18 (H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 18 be adopted and H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Galuteria.

Senator Slom rose to speak in opposition to the measure as follows:

"As we've discussed on this bill before, I think it's unfortunate that we're pitting two groups of military against one another – reservists and active duty or retirees. We thank them all for their service and appreciate everything they've done, but to pick one category to give them preference I think is unwise and unnecessary. What we should always be doing is looking for the best man or best woman for whatever position it is, and we don't need to give preference because of duty assignments. Thank you."

At this time, the Chair called for a Roll Call vote.

The motion was put by the Chair and failed to carry, Conf. Com. Rep. No. 18 failed to be adopted and H.B. No. 1203, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," having been read throughout, and Roll Call vote having been requested, failed to pass Final Reading on the following showing of Ayes and Noes:

Ayes, 12; Ayes with Reservations (Chun Oakland, Green, Ihara). Noes, 13 (Dela Cruz, English, Hee, Ige, Kaehele, Keith-Agaran, Kidani, Kouchi, Nishihara, Slom, Solomon, Thielen, Wakai).

At 12:05 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:55 p.m.

Conf. Com. Rep. No. 21 (S.B. No. 1070, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 21 was adopted and S.B. No. 1070, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 22 (S.B. No. 1071, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 22 was adopted and S.B. No. 1071, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 25 (H.B. No. 848, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 25 was adopted and H.B. No. 848, H.D. 2, S.D. 1, 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, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 35 (H.B. No. 656, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 35 was adopted and H.B. No. 656, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ADMINISTRATIVE UNIFORMITY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 39 (S.B. No. 1214, S.D. 1, H.D. 2, C.D. 1):

Senator English moved that Conf. Com. Rep. No. 39 be adopted and S.B. No. 1214, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition to the measure as follows:

“Madam President, I don’t know of anybody who likes boots, at least the boots that you put on cars. I don’t like the process at all. But this bill is a very interesting bill because, of course, it is a gut-and-replace bill, and it is a bill in which the local boot industry is pitted against the local tow truck industry. And we’re talking about small businesses. We’re also talking about the small business that hires the boot industry as a last resort when their valuable parking space is not adhered to and they have a difficult time in preserving that very valuable space.

“The problem here has been that the boot industry – which is one large company, basically – has said that it was very willing to undergo regulation to have the same kinds of rules, caps on fees as does the towing industry, but in fact was not allowed to discuss this matter with either the House or the Senate conferees. There was no public hearing, as I mentioned, and it is a process that I think we should all be concerned about. There is no law on the books right now that regulates booting of automobiles and, as I say, you’re not going to get many fans that are going to support it.

“But it is, basically, a turf war between two kinds of industries within the state. And they do have employees, the boot industry. They do have responsibility for signage and for discussion and explaining what their process is. And rather than ban the business and put them and their employees out of business, I think much more concern would be to regulate them – to have certain restrictions, make sure that there is enough transparency – but allow the business to survive and to thrive. And as I said, they have indicated their willingness to do this; the least that the legislature can do, if we should be involved at all, is to meet them halfway. Thank you.”

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

“You know, members, first let me correct the misstatements of the previous speaker, who should’ve known better on this that gut-and-replace means you take out language and add in language that was never discussed. But in fact, what we did in this particular measure was we conformed the language to the House committee reports.

“So, just a little history: this bill went over as a clean bill with a clean date; and it’s ‘Relating to Transportation,’ so this is the same subject matter. It dealt with abolishing the Commission on Transportation. The House Committee on Transportation added in the Part 2, which put in language on booting. Now, if you read their committee reports, the committee report says the intent was to stop or ban or prohibit, etc. Unfortunately, the language that they used actually authorized this. It went through two committees; both committees passed it out like that, but if you read their committee reports, the intent was to do what we did. When this language came here, we simply conformed the language to what the House committee reports said. Their hearings on this talked about what this measure does, which bans an illegal practice.

“I have to point out to you, members, that we got an email this morning – I’d like to enter this into the record – from the

Office of Consumer Protection, which points out a few things. And just one part: ‘[T]he Attorney General’s February 8, 2013 letter opinion that applying a tire boot to a vehicle constitutes Criminal Tampering in 2d Degree under HRS § 708-827(1).’ And further, he says that ‘in order to commit the offense of second degree criminal tampering, the offender must have intentionally tampered with another person’s property with the specific intent to cause substantial inconvenience to the other person, and the offender must have done so without that person’s consent. It appears that applying a tire boot to a vehicle without consent would violate the criminal tampering statute.’ The Office of Consumer Protection goes on that their convention that the practice is illegal booting; the practice is illegal under the current towing laws.

“So, members, you know, this is a House position; the House inserted this language. It’s unfortunate that they couldn’t get the right words to put into the bill, but we did. The committee reports all said that this was what they wanted to do, so we’ve conformed the language to what their committee reports said. So, I take exception to the fact when someone says that this is a gut-and-replace; it is not. It’s conforming the language to the other house and what their intent was.

“So, I ask for your support on this because either way, we need to get some resolution on this and we need to make sure that some very shady practices come to an end, and then we can perhaps take a look at this next year to see how we can do proper regulation. Thank you.”

The Chair having so ordered, the email is identified as “**ATTACHMENT A**” to the Journal of this day.

Senator Espero rose to speak in opposition to the measure as follows:

“I have a problem with the process and how the bill sneaked its way through session to come to us now. But as you could hear, there’s many emails and correspondence, and I think there are still many questions and that it was not really vetted as much as we should. So, I feel that if it is illegal, as some are saying that it’s illegal, why do we need the bill? And I know those that are involved in this industry are feverishly working in this capitol right now, and talking to legislators and assuring us that they have gotten the message. They understand that there might be some issues that need to be resolved, and I do believe that they’re willing to work on that immediately. And I take their word for it because if they don’t, then there will certainly be legislation next year that could even be worse if this bill does not pass. So, I will be voting ‘no.’ Thank you.”

Senator Slom rose in rebuttal as follows:

“Just a brief rebuttal to the Senate Transportation Chair: first of all, I stand by my comments about the process.

“Secondly, the fact that it was a House bill – gee, aren’t we always proud that we stand here for our Senate bills and our Senate positions, so why are we defending the House position with their mis-wording, their careless use of phrases? I don’t know where that comes from.

“Thirdly, when we talk about illegal activity, that’s absolutely incorrect; there was no ‘illegal’ activity. And the chairman of the House Transportation Committee was flaunting an attorney general’s letter, but would not give it to either the attorney or the company itself. When the letter was finally received – a copy was received, and I think all of us got copies of that over the weekend – that’s not what the attorney general said. But here again, we get into, ‘Gee, we have so many lawyers, and everybody can take a position on it.’ But if, in fact, it’s not good legislation, why are we passing it and coming back next year? Because the impact will be we will put a small business out of business. We will also affect those small

businesses that have tried tow companies, have tried everything else, and they have not been able to protect their property.

"So, if it's a bad bill, if it is a questionable bill, if the language is bad, why do it? Let's wait until next year, and as the good senator from 'Ewa Beach said, let's see if the company, in fact, makes some changes and does some things that will mitigate some of the complaints that were made. Thank you."

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

"For me, it's about consumer protection. There's been no signage, there's been no contact information for redress, there's been no recourse if a mistake has been made. Somebody gets a boot – you're at the mercy of whoever put the boot on, and you never know what amount of cash only is going to be extorted in order to get your car back.

"And for the previous speaker who says that this is something that really helps parking lot owners: if your car is immobilized with a boot and you cannot come up with the cash immediately, your car is still going to sit there until they call a tow company to tow it away. So, it really doesn't enhance turnover in a small parking lot.

"I think that we've had lots and lots of discussion about the towing industry. There were lots of unsavory practices in that industry before it was heavily regulated, and maybe there is room for regulation of this industry. But in order to stop what the attorney general, the Office of Consumer Protection have already opined is an illegal activity, this measure needs to go forward, and then perhaps we can take a look at what might be appropriate legislation or regulation. But to allow a known practice that is really scamming persons who happen to get caught in their 'traps,' so to speak, I think it would be irresponsible of the Legislature, and I urge my colleagues to support this measure. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 39 was adopted and S.B. No. 1214, S.D. 1, H.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, 13. Noes, 12 (Dela Cruz, Espero, Gabbard, Green, Ihara, Kahele, Nishihara, Ruderman, Shimabukuro, Slom, Solomon, Thielen).

Conf. Com. Rep. No. 45 (S.B. No. 586, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Espero and carried, Conf. Com. Rep. No. 45 was adopted and S.B. No. 586, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDING PERMITS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Thielen).

Conf. Com. Rep. No. 48 (S.B. No. 1067, S.D. 2, H.D. 1, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 48 be adopted and S.B. No. 1067, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Slom rose to speak in opposition to the measure as follows:

"I have already voted 'no' on several other fee bills. We've got a dozen bills that are going to raise the fees for various transactions that all of us are involved in, whether it's mortgage or banks or money transmission, coming up. And the fact of the matter is we're already paying high amounts for these

transactions and they will be passed along to the consumer. So again, it's a way of taxing us by calling it 'fees.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 48 was adopted and S.B. No. 1067, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 50 (S.B. No. 1068, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Hee and carried, Conf. Com. Rep. No. 50 was adopted and S.B. No. 1068, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 52 (H.B. No. 1287, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Wakai, seconded by Senator Baker and carried, Conf. Com. Rep. No. 52 was adopted and H.B. No. 1287, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 53 (H.B. No. 785, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Conf. Com. Rep. No. 53 was adopted and H.B. No. 785, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 54 (H.B. No. 622, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 54 be adopted and H.B. No. 622, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

"This is the so-called Journalism Shield bill. This is one of the best pieces of legislation this legislature produced five years ago. It was, as my colleagues like to say, very progressive; it took into consideration new technology and changes in news gathering and news distribution. It was a law that was copied in many other jurisdictions. It was a law, as we've discussed, that here in Hawai'i was used one time, and that shows actually the effectiveness of the law.

"It did not give special privileges to journalists. What it did was protect their sources in certain cases that were well-defined and very narrow, and it recognized the growth and the new technology of news gathering. It provides a means of investigating corruption in government, business, and unions in this state, while at the same time preserving and protecting sources of that information.

"To simply not extend the sunset date – which is what the people in the media wanted done and what people that believe in the First Amendment wanted done – instead crippling the newly developed electronic media industry, I think, is really a shame. And so, as most of the people in the media have said, having no bill is better than having this bill, which even seeks to define who a journalist is, what a magazine is. That's not the business of the Legislature; that's all part of the U.S. Constitution and the First Amendment. It's a bad bill; it should be defeated. Thank you."

At 1:12 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:17 p.m.

By unanimous consent, action on Conf. Com. Rep. No. 54 and H.B. No. 622, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," was deferred until the end of the calendar.

Conf. Com. Rep. No. 56 (H.B. No. 31, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 56 be adopted and H.B. No. 31, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

"First of all, I don't understand why we're dealing with this bill if it has to do with TheBus and it has to do with a county issue.

"Secondly, disorderly conduct: we spend a lot of time and a lot of money talking about the homeless, talking about how people don't have places to stay and all that. And in the grand scheme of things, of all the problems that we're facing, the fact that somebody's laying down at a bus stop doesn't seem to be something that we should be concerned about.

"But the main thing is, I think, it is a home rule issue and has nothing to do with the state. Thank you."

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

"I'd like to ask that we move this one day out for consideration. This is really a home rule issue; it's something that the counties need to deal with, and I find it offensive that we would essentially be making homelessness illegal. So, if you could consider moving this out until Thursday for final reading."

By unanimous consent, action on Conf. Com. Rep. No. 56 and H.B. No. 31, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT," was deferred until Thursday, May 2, 2013.

Conf. Com. Rep. No. 67 (H.B. No. 652, S.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 67 was adopted and H.B. No. 652, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 74 (S.B. No. 978, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 74 be adopted and S.B. No. 978, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

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

"I rise in support of this bill, but the reason that I'm talking about this bill is because, again, this is one of a dozen bills that we've discussed or continue to discuss that have to do with animal cruelty. And I hearken back to our last crossover session when I made the comparison between our response to molestation of children in our state and the concern for animals. And this bill is one of several bills that increases the penalties for cruelty to animals, and I love animals and I'm all in support of that, but I don't think we have our priorities straight because we continue to look the other way when it comes to child molestation.

"And you recall, Madam President, at the last session I attempted a floor amendment to change a bill to incorporate the stiff penalties for sexual assault on children. I tried to amend that by incorporating the parts known as 'Jessica's Law,' and my colleagues voted me down 23 to 1 on that bill, saying various things that the penalties are severe enough and pointing to a bill that we passed in the Senate that established a new minimum of six years and eight months for sexual assault of a child. The Jessica's Law bill has a minimum of 25 years to life. Well, what happened to that bill? That bill went over to the House and died. So, we still don't take care of our children.

"We have a settlement coming up, in the bill about settling state debts, that we are settling \$5.75 million for the assaults that took place over a number of years at the State School for the Deaf and Blind. We can't get a copy of the attorney general's report; that's sealed."

Senator Hee interjected on a point of order and said:

"Madam President, point of order. Ask the speaker to speak to the bill. It's animal cruelty."

Senator Slom continued:

"Yes, Madam President, I am speaking to the bill; thank you. As I said, I'm in support of it, but I think that our priorities are misplaced, and we should have more concern for the abuse of children. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 74 was adopted and S.B. No. 978, 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, 25. Noes, none.

Conf. Com. Rep. No. 76 (S.B. No. 535, S.D. 1, H.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 76 be adopted and S.B. No. 535, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

"This is such a bad bill: so-called domestic workers bill of rights. What it really is it takes away the rights of the choice of any homeowner, any family, any employer, any person who wants to hire a domestic worker in a broad array of activities, and not having the choice really to determine if that worker is appropriate in their own household. And this basically is a household or residential issue rather than business.

"What it does is create yet another legal cause of action for the attorneys and ability for people to say, 'Well, you didn't pick me because I'm of this new class,' or, 'I can sue you to get the same kinds of rights as somebody in a business has.' It's absolutely unprecedented in terms of other areas in other states,

but the main thing is it takes away totally right of choice of people to pick those individuals who they want to be in their home, with their family, with their children. Thank you."

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

"This measure actually is part of the Women's Legislative Caucus package, and the reason that it came forward is because domestic workers have the least amount of consideration and protection. This is a modest measure that will ensure that workers who are in the domestic worker classification or employment actually have basic dignity and human rights. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 76 was adopted and S.B. No. 535, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 78 (S.B. No. 655, S.D. 2, H.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 78 be adopted and S.B. No. 655, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition to the measure as follows:

"This is the bill that allows health professionals to treat partners of certain individuals who have been diagnosed with sexually transmitted diseases. Now certainly, we should all be in favor of public health treatments to protect the public. However, this bill allows partners to be given medication and to be given treatment without ever having seen a doctor. There are liability concerns, there are ethical concerns with this, and there is an apparent move to exempt the state from any kind of liability in any of the health professions. I think this is a bad practice to allow people to be treated without being examined.

"Furthermore, it's very interesting that the proponents of this bill want to exclude same-sex or homosexual people and only treat heterosexuals in this matter, which is a very curious decision as to why that would be part of the law. So, I oppose the bill. Thank you."

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

"The measure is meant to decrease the burden of disease on people. It's a standard of care according to the American College of Gynecologists, who are really our experts on this matter. In reference to comments made by my good friend, the senator from the east side, the truth is this is definitely not an issue about homosexuality or heterosexuality; that issue was resolved weeks ago. This is really a standard of care, and interestingly also: for those who happen to like medical malpractice reform and whatnot, which we're not taking up today, this bill actually gives some protection from liability because it was a very small scope of medicine where the liability concerns were so minimal but the benefit to society for people to get better treatment were so significant. People will still get follow-up treatment, but it is a standard of care according to the OBGYNs, and that's why we should take care of women. If they don't have this care often, there are issues of infertility, scarring – really quite terrible, Madam President. So, we're trying to make things better for people who might have contracted an infectious disease. That's why I support this bill."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 78 was adopted and S.B. No. 655, 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, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 82 (S.B. No. 345, S.D. 1, H.D. 1, C.D. 1):

Senator Wakai moved that Conf. Com. Rep. No. 82 be adopted and S.B. No. 345, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom rose to speak in opposition to the measure as follows:

"Well, if we're talking about fee increases, this is the granddaddy of all of them because this bill would increase the license fee for people in this industry from \$150 to \$5,000 and the annual increase fee to \$2,500. A statement was made for the justification for this bill that our fees are too low; well, this certainly would take care of that. And again, the people that are going to wind up paying for increases in fees and licensure are going to be the public. So, this is not a consumer protection bill; this is against consumers. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 82 was adopted and S.B. No. 345, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORTABLE ELECTRONICS INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 83 (S.B. No. 997, S.D. 2, H.D. 2, C.D. 1):

Senator Wakai moved that Conf. Com. Rep. No. 83 be adopted and S.B. No. 997, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Nishihara.

Senator Slom rose to speak in opposition to the measure as follows:

"This bill establishes a new fee: a \$1 digitizing fee for the State Archives. During our discussions in hearings in Ways and Means, we found out that if you go and record your document at the Bureau of Conveyances, of course, you're paying a fee. Now, there would be an additional fee to transfer that document over to the Archives and to digitize them. Well, I'm all for the new technology, but I'm not all for new fees and we're paying double and triple in some cases, and I think that this is unwarranted. We're starting out with a dollar; guaranteed that in a couple of years it'll be \$5, \$10, whatever. The main point is it's on top of fees you're already paying for the same registration. Thank you."

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

"I actually like the content of the bill and what it's trying to do, but I don't like the methodology. In the state budget, the Senate position was to fund this project because I think that we understand \$1 for every long-term record – that means every time you register an LLC, you register your business, you file your documents, it's going to be \$1 on there. I believe that this is a core function of government: to preserve our records for the future. And the Senate money committees believe this as well and entered this into the budget, proposed it to the House, and the House agreed to fund one year of it. But I think we're off to the beginning of funding this as a core part of our government.

"So, I think by adding \$1 on to every permanent record, and let me give you an example: for those of you who file with DCCA every year, you file your business registration. So, on

the one hand, if you file by paper, it's \$25. If, however, you file electronically, which we try to encourage, we said, 'Let's halve the price,' so it's \$12.50. But the company that processes it charges \$1, so now it's \$13.50. Then we're adding another dollar on for that same record to be transferred to the Archives and processed there, so now it's \$14.50. Didn't we just defeat the purpose of encouraging people to file electronically because we're adding a dollar here, a dollar there?

"So, I think that we should recognize this as a core function of government, which the Senate did; we put it into the budget, funded as part of their base, and move on. But I don't like this because every person who files what's considered a permanent record will have to pay this, and the speaker before me is correct that we're not sure if it's \$1 now and next year it's \$2, and then \$5, and \$10, and etc. So, I like the content of the bill; I like what it's trying to do. I don't like the funding mechanism, and for that reason I encourage you to vote 'no' on this. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 83 was adopted and S.B. No. 997, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ARCHIVES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, 4 (English, Slom, Solomon, Thielen).

Conf. Com. Rep. No. 94 (S.B. No. 1069, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 94 was adopted and S.B. No. 1069, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 122 (H.B. No. 1424, S.D. 2, C.D. 1):

Senator Solomon moved that Conf. Com. Rep. No. 122 be adopted and H.B. No. 1424, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kouchi.

Senator Kouchi rose on a point of information as follows:

"Before we take the final reading vote on this bill, I'd like to address an error on the conference committee record of votes for Senate conferees. May the Journal reflect the correct conference committee votes: on behalf of the Senate, Senators Solomon, Dela Cruz, and I were present and voted 'Aye,' and Senators Ige and Slom were excused. A quorum was present, and a majority of the Senate managers voted in favor of the recommendation to pass the bill with amendments. Thank you."

Senator Baker requested 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:

"Madame President, I rise in support of HB1424, SD2, CD1.

"The purpose of this measure is to ensure preservation of the area known as Lipoa Point on Maui for future generations by requiring the Department of Land and Natural Resources, in consultation with the Hawaiian Islands Land Trust, to acquire the parcel of land. Due to financial difficulties, Maui Land and Pineapple Company pledged this parcel as collateral to cover the costs of the employees' retirement funds. The funding of \$20 million, slightly less than the appraised value but acceptable to all parties, has been included in HB 200, CD1, the executive budget bill. With the passage of this bill, the pension

benefits of numerous retirees will be protected. None of the funds will go to Maui Land and Pineapple Company.

"It is important to note that Lipoa Point is a significant, iconic landmark for Hawai'i and the waters surrounding it are nationally recognized as a marine preserve. Also, Lipoa Point holds a wealth of history. In 1976 it was the departure point for the maiden voyage of the Hōkūle'a as well as a site of two Hawaiian heiau. The acquisition of Lipoa Point is a unique opportunity for the State, the Hawaiian Islands Land Trust and friends of Honolulu to explore the various options available to preserve Lipoa Point's pristine lands and history for the future keiki of Hawai'i to experience.

"Colleagues please join me in supporting HB1424, SD2, CD1. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 122 was adopted and H.B. No. 1424, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACQUISITION OF RESOURCE VALUE LANDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 124 (H.B. No. 672, H.D. 2, S.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 124 be adopted and H.B. No. 672, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Slom requested his vote be cast "Aye with Reservations," and the Chair so ordered.

Senator Baker requested 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:

"Madam President, I rise in support of HB672 HD2 SD2 CD1.

"Smoking and tobacco use are Hawaii's and the nation's leading cause of preventable morbidity and mortality. Our youth are being targeted by big tobacco companies with advertising and marketing strategies encouraging them to smoke or use tobacco products at an early and impressionable age. Governmental protections are needed, as approximately 1,500 Hawaii youth per year become new daily smokers and tobacco use can detrimentally impact their health and quality of life.

"HB672, CD1 helps to address this problem by prohibiting the sale of tobacco or electronic smoking devices to minors under age 18 and the purchase of tobacco or electronic smoking devices by minors under age 18. The term 'electronic smoking devices' replaced 'vapor products' as the Committee on Conference for HB672 found the term 'vapor products' to be too narrow as it refers only to a noncombustible tobacco-derived product containing nicotine and is not inclusive of the electronic mechanism and its components, which simulates smoking and delivers nicotine and other substances. The term 'electronic smoking devices' covers the entire electronic product and is the term that the FDA and other states are using in their laws and proposed regulations.

"HB672, CD1 was further amended to satisfy the Attorney General's concern that this bill could be interpreted to require tobacco products to be hidden from sight by adding a provision requiring retailers who sell cigarettes, smokeless tobacco, and all other tobacco products to do so only in a direct face-to-face exchange between the retailer and consumer, with an exception

for retail tobacco stores, bars or establishments where the minimum age for admission is 18. This new language requiring direct face-to-face exchange between the retailer and consumer mirrors the federal regulations around the sale of cigarettes and smokeless tobacco. The Committee on Conference specifically included 'all other tobacco products' to ensure that all tobacco products are prohibited from being sold in any self-service display. Furthermore, the conference committee exempted businesses who engage in the sale of duty-free merchandise from this provision.

"HB672, CD1 is an important step forward in our efforts to improve Hawaii's health by encouraging a smoke-free, tobacco-free Hawai'i. I urge all my colleagues to join me in supporting this measure. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 124 was adopted and H.B. No. 672, 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; Ayes with Reservations (Slom). Noes, none.

At 1:35 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:46 p.m.

Conf. Com. Rep. No. 132 (S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 132 and S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS," was deferred until the end of the calendar.

Conf. Com. Rep. No. 149 (S.B. No. 867, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 149 was adopted and S.B. No. 867, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 157 (S.B. No. 680, S.D. 1, H.D. 1, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 157 be adopted and S.B. No. 680, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

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

"Certainly, we're all concerned about homeland security, but just because we call something 'homeland security' does not make it so, and I'm concerned that we're going to have a duplication of efforts within our Department of Defense in the state. I have been assured that is not the case. We've had conflicting testimony about the need for this bill and right now there is no appropriation. So, I'm voting with reservations until we found out the exact direction of the changes here. If we have a redeployment of personnel within the department, that would be fine. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 157 was adopted and S.B. No. 680, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELAND SECURITY," having been read throughout,

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

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

Conf. Com. Rep. No. 160 (S.B. No. 1133, S.D. 2, H.D. 2, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 160 be adopted and S.B. No. 1133, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition to the measure as follows:

"Thank you, Madam President; you know I have to speak in opposition to this bill. Yes, yes, I do. What this bill does is take away the exemption for dietary supplements and taxes them along with my sugary beverage and all the other things. Now, we spent two legislative sessions talking about the little fat kids – oh, excuse me, the problem of obesity – and now we're taking away the dietary supplements and we're going to tax that even more. And I remind my colleagues, we already pay the general excise tax and then beverage tax when we go to the store and buy any kind of beverage, but now we're taking it out on those darling little keiki. I think it's wrong. I urge my colleagues to reconsider. Thank you."

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

"I'd just like to clarify that this does not apply on any fees to legitimate dietary supplements. The primary thing it does is includes energy drinks such as 5-Hour Energy in the HI-5 program. We all wish everyone would've recycled without the HI-5 program, but we needed the HI-5 program and there's a lot of recycling as a result. This just adds a few more million plastic bottles to what gets recycled every year. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 160 was adopted and S.B. No. 1133, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 161 (H.B. No. 65, H.D. 2, S.D. 2, C.D. 1):

Senator Baker moved that Conf. Com. Rep. No. 161 be adopted and H.B. No. 65, H.D. 2, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hee.

Senator Baker requested 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:

"Madam President, I rise in support of HB65 HD2 SD2 CD1.

"HB65 CD1 allows beneficiaries of prescription drug benefit plans to opt out of the requirement to purchase prescription drugs from a mail order pharmacy and provides them with an opportunity to choose to purchase prescription drugs from a pharmacy within the pharmacy benefit manager's retail pharmacy network.

"Currently, many pharmacy benefit managers and other prescription drug benefit plan providers require beneficiaries to purchase certain prescription drugs only from a mail order pharmacy. This mail order requirement makes it difficult for

beneficiaries who live in rural areas and/or who are in immediate need of medication to obtain prescription drugs in a timely manner. With recent cuts to the post office hours, some delivery times have increased for mail orders. Furthermore, many beneficiaries trust and rely on face-to-face interactions with their local community pharmacists who are familiar with their medical history and can better assist with any questions or concerns they may have relating to prescription drugs or watch out for drug interactions. It is important to note that for consumers who take multiple prescription drugs, a face-to-face interaction with a pharmacist may prevent dangerous drug interactions and avoidable health consequences.

"HB65 CD1 increases consumer choice by allowing beneficiaries to opt out of the mandatory mail order provisions. This in turn will help increase competition in the marketplace, encourage utilization of community pharmacies all while remaining cost neutral to plans and beneficiaries. It is important to also note, it is not the intention of HB65, CD1 to interfere with existing incentive programs.

"Thus, passage of HB65 CD1 will significantly benefit plan members by giving them the choice to opt out of mandatory mail order provisions to accommodate their unique circumstances. It applies to all plans including the Hawaii Employer-Union Health Benefits Trust Fund health benefits plan, enhancing pharmacy networks without reducing legitimate incentives to encourage health and wellness.

"I urge all my colleagues to join me to vote 'aye' on this important measure for all our communities. Mahalo."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 161 was adopted and H.B. No. 65, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 162 (S.B. No. 69, S.D. 2, H.D. 1, C.D. 1):

Senator Espero moved that Conf. Com. Rep. No. 162 be adopted and S.B. No. 69, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kouchi.

Senator Slom rose to speak in opposition to the measure as follows:

"This bill has had a long journey this session. It started from a bill that was going to provide buybacks of firearms and so forth, and now it's down to background registration expanded and broadened. People that don't understand the Second Amendment don't understand firearms, don't understand that in fact we do have background checks. The background checks are not going to make us any safer. They're not going to eliminate the horrendous and terrible shootings and occurrences on the mainland. This is 'feel-good' legislation; it is unnecessary, not needed.

"It's going to be further burdensome. Anybody in the State of Hawai'i who has registered a firearm within the last six months has found that if they go, particularly in the City and County of Honolulu, waits may be up to eight or nine hours to do that. So, we're putting a burden on firearms owners and legitimate Second Amendment individuals.

"Again, some people say, 'Well, why should you be fighting anything or opposing anything like this? We have to register our car every year, we have to get safety inspections; we have to do this.' I remind everybody: there is a major difference between the Second Amendment and license or privilege of other activities. This is a guaranteed right, and every time we

make further incursions into the rights of individuals exercising that constitutional right, then we weaken our Constitution. Thank you."

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

"I really don't know what all the fuss is about. There's no 'incursions' on anyone's rights or infringements on anyone's Second Amendment. We understand the right to bear arms, but that doesn't mean you can own a Stinger missile. We understand the right to bear arms, but that doesn't mean you can have a bazooka. Society places rules and restrictions on certain items; and in our society, the weapon known as the gun, the firearm, certainly has certain restrictions.

"This bill just closes a loophole, a gap, in our law. If anyone brings in a gun to Hawai'i, it must be registered, which makes sense, and the person must have a background check. That makes sense. If we didn't have this law, hypothetically, would that mean a person, a criminal, in Miami who wants to vacation here who feels he might be in jeopardy of his life or safety can bring a gun? This closes a loophole; and let me, by the way, remind everybody the Hawaii Rifle Association supported this measure. And I believe all of the advocates who were against this were probably those same individuals who, at the national level, were saying, 'We don't want background checks at gun shows.' So, anybody could walk into a shopping mall or a cafeteria or a side street gun show and buy a gun with no background checks. I saw a segment on television where that happened: people were buying guns without any checks. They were just selling them straight cash up front. And then you see some testimony from the NRA saying, 'Well, these are all legally acquired.' How do we know they are legally acquired if you don't check? So, I ask you to support this bill. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 162 was adopted and S.B. No. 69, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 168 (S.B. No. 532, S.D. 1, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 168 be adopted and S.B. No. 532, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

"I rise in opposition to this bill. I do not rise in opposition to breastfeeding or breastfeeding in the workplace. I love breastfeeding. But I don't like further requirements on employers, particularly smaller employers, making them set aside space, making them set aside additional time in addition to the rules that we've already adopted by law for breaks and for lunch periods and so forth. What we're doing is once again making a burden, particularly on those smaller businesses; and when we talk about limitations on the size of business and all of that, we know that every time we pass a bill, we start out with one number of employees and we always reduce that.

"So, let's continue breastfeeding. The law is working correctly right now, but let's not add any additional burdens to small business owners. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 168 was adopted and S.B. No. 532, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BREASTFEEDING IN THE WORKPLACE," having been

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

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

Conf. Com. Rep. No. 174 (S.B. No. 642, H.D. 2, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 174 was adopted and S.B. No. 642, 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 (Kidani).

Conf. Com. Rep. No. 180 (H.B. No. 726, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Dela Cruz, seconded by Senator Wakai and carried, Conf. Com. Rep. No. 180 was adopted and H.B. No. 726, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 827, S.D. 1, H.D. 1:

On motion by Senator Hee, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 827, S.D. 1, and S.B. No. 827, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 856, H.D. 1:

Senator Hee moved that S.B. No. 856, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

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

"The reason I wanted to talk about this measure: the holiday being suggested here is for a very brave and courageous individual who, by the way, was the subject of a commentary in Sunday's paper by nationally syndicated columnist George Will. But the idea and the opinion I want to share with my colleagues is this: When we talk about internment of the Japanese during World War II, that decision was made by the Democrat President of the United States Franklin Delano Roosevelt in opposition to information that was given to him by the military and by the head of the FBI J. Edgar Hoover at the time. This was in excess of executive power, and that's what Mr. Korematsu stood up against.

"I think this is extremely important that we recognize, not only this individual who was courageous, but also the fact that cyclically we see every generation or so that the executive branch seems to want to take it upon itself to have additional powers, which sometimes many of us sit back and just either don't get involved with or say that's okay. We're going through some of the same situations right now with the executive order to kill American citizens on foreign soil and possibly on domestic soil, and the use of domestic drones for the purpose of taking out those people that the executive branch considers to be problematic.

"So, when we pass this bill and we celebrate this holiday, let's celebrate the true meaning and let's be ever vigilant about excessive power by our government. 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. 856, and S.B. No. 856, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 38 (S.B. No. 505, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 38 was adopted and S.B. No. 505, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 87 (S.B. No. 757, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 87 was adopted and S.B. No. 757, S.D. 2, H.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, 24. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 90 (S.B. No. 1074, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 90 was adopted and S.B. No. 1074, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 97 (S.B. No. 606, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 97 was adopted and S.B. No. 606, 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. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 103 (H.B. No. 1136, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Espero, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 103 was adopted and H.B. No. 1136, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL AIR PATROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 106 (H.B. No. 222, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 106 was adopted and H.B. No. 222, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 107 (H.B. No. 197, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 107 was adopted and H.B. No. 197, 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, 24. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 109 (H.B. No. 653, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 109 was adopted and H.B. No. 653, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAII PACIFIC HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 113 (H.B. No. 1430, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 113 was adopted and H.B. No. 1430, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 114 (H.B. No. 424, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 114 was adopted and H.B. No. 424, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIMESHARE CONVEYANCES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 116 (H.B. No. 1396, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 116 was adopted and H.B. No. 1396, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JAPANESE AMERICAN EXPERIENCE IN HAWAII," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 119 (H.B. No. 1263, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Solomon and carried, Conf. Com. Rep. No. 119 was adopted and H.B. No. 1263, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 123 (H.B. No. 266, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 123 was adopted and H.B. No. 266, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 127 (S.B. No. 614, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Nishihara and carried, Conf. Com. Rep. No. 127 was adopted and S.B. No. 614, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS OF ART," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 133 (S.B. No. 1094, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 133 was adopted and S.B. No. 1094, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY AND BUDGET RESERVE FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 136 (H.B. No. 353, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Nishihara, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 136 was adopted and H.B. No. 353, H.D. 1, 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, 24. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 139 (H.B. No. 417, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 139 was adopted and H.B. No. 417, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 144 (H.B. No. 546, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 144 was adopted and H.B. No. 546, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 147 (S.B. No. 1092, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 147 was adopted and S.B. No. 1092, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO RECAPITALIZE THE HURRICANE RESERVE TRUST FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 148 (S.B. No. 498, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 148 was adopted and S.B. No. 498, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 151 (S.B. No. 722, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Solomon, seconded by Senator Galuteria and carried, Conf. Com. Rep. No. 151 was adopted and S.B. No. 722, S.D. 2, H.D. 1, 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, 24. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 158 (S.B. No. 1256, S.D. 1, H.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 158 was adopted and S.B. No. 1256, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 163 (S.B. No. 106, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator English and carried, Conf. Com. Rep. No. 163 was adopted and S.B. No. 106, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 169 (S.B. No. 1124, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Baker and carried, Conf. Com. Rep. No. 169 was adopted and S.B. No. 1124, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIETITIAN LICENSURE SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 172 (S.B. No. 515, S.D. 2, H.D. 1, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 172 was adopted and S.B. No. 515, S.D. 2, 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, 24. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 176 (H.B. No. 144, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Baker, seconded by Senator Espero and carried, Conf. Com. Rep. No. 176 was adopted and H.B. No. 144, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 179 (H.B. No. 51, S.D. 1, C.D. 1):

On motion by Senator Kidani, seconded by Senator Slom and carried, Conf. Com. Rep. No. 179 was adopted and H.B. No. 51, S.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. Noes, none. Excused, 1 (Ige).

Conf. Com. Rep. No. 182 (H.B. No. 152, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Kidani and carried, Conf. Com. Rep. No. 182 was adopted and H.B. No. 152, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION MEDICAL FEE SCHEDULES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 92 (S.B. No. 1087, S.D. 2, H.D. 3, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 92 be adopted and S.B. No. 1087, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Gabbard.

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

"Colleagues, we're on the verge of achieving something truly historic with this bill. Bond financing has been around forever, and on-bill repayment has been around for a long time. Hawai'i has the chance to become the first state in the nation to marry bond financing and on-bill repayment. We've had national experts from the mainland who have flown here and are looking at this concept that Hawai'i originated as a model that they can emulate. So, I'd like to congratulate DBEDT and PUC for their hard work on this bill.

"Colleagues, this will help the guys without 24-karat credit to afford renewable energy such as PV. Just to be clear: it's not for people with multi-million dollar mansions; they have other options. Instead, this is intended for the rubber slipper folks – the people who barbecue in their backyards and tailgate at UH football games, not the country club set. It's for those who shop at Longs instead of Louis Vuitton. It's for the folks who drive older Hondas and Toyotas instead of brand new Lamborghinis and Ferraris. In other words, this green financing infrastructure is for the majority of our constituents to allow them to borrow

to install renewable energy and to repay the loans over time through their electric bills.

"The song that comes to mind is, 'Here comes the sun...' I ask for your support for this revolutionary bill. Mahalo."

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

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

"As legislators, we realize that significant investments must be made in order achieve the State's goals of energy self-sufficiency and energy security and diversification. This bill moves us closer to meeting our Renewable Portfolio Standards and Energy Efficiency Portfolio Standards.

"This bill will assist with green infrastructure installations and support Hawaii's evolving energy market and ecosystem and provide affordable and accessible energy options for Hawaii's consumers.

"High up-front costs of green infrastructure equipment prevent many customers from purchasing alternative energy options thus lose the benefit of lower energy costs. This measure will provide a means of acquiring and providing an alternative low-cost financing to underserved markets, enabling the installation of affordable and green infrastructure equipment in those markets."

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

"I just wanted to congratulate and say 'thank you' to Chair Gabbard and Richard Lim of DBEDT and Mark Glick of the Department of Energy and the others who worked on this. As the senator just said, this is the first such bill, I believe, in the nation and possibly in the world; and it will bring the benefits of solar energy to lower income households, and I think it's a truly landmark legislation we can be really proud of. Thank you."

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

"I'd also like to rise in support of this bill, and give my mahalos to the Chair of the Energy and Environment Committee in the Senate and then also his counterpart in the House on this excellent legislation. I appreciate the work that was done by DBEDT, and I think that this is something that really helps in the private marketplace to democratize renewable energy and to put Hawaii'i on much more resilient and self-reliant footing. So, thank you again very much for this great legislation."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 92 was adopted and S.B. No. 1087, S.D. 2, H.D. 3, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GREEN INFRASTRUCTURE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 96 (S.B. No. 1221, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Taniguchi, seconded by Senator Espero and carried, Conf. Com. Rep. No. 96 was adopted and S.B. No. 1221, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 104 (H.B. No. 1279, H.D. 1, S.D. 2, C.D. 1):

On motion by Senator Espero, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 104 was adopted and H.B. No. 1279, H.D. 1, 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, 23. Noes, 1 (Slom). Excused, 1 (Ige).

Conf. Com. Rep. No. 115 (H.B. No. 632, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Wakai, seconded by Senator Hee and carried, Conf. Com. Rep. No. 115 was adopted and H.B. No. 632, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPEN DATA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 120 (H.B. No. 775, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 120 be adopted and H.B. No. 775, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Slom.

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

"We've watched this measure balloon, in terms of amounts of money that the taxpayers are going to have to pay; and I had mentioned earlier that one of the amounts in here is the \$5.75 million in the settlement of the School for the Deaf and Blind. Of that \$5.75 million, approximately \$3 million goes to the victims, \$1 million goes to the attorneys, \$1 million goes to a new bureaucracy to set up an administration to hand out the money to the victims. We are really sitting ducks as a state. We are deep pockets, and more and more people are suing the state, trying to get easy money. There are legitimate claims against the state and these should be paid, but I would hope that the Attorney General's office and the legal department would sometimes take a tougher point of view against automatically paying off these claims. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 120 was adopted and H.B. No. 775, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," 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 (Ige).

Conf. Com. Rep. No. 126 (S.B. No. 593, S.D. 2, H.D. 1, C.D. 1):

Senator Nishihara moved that Conf. Com. Rep. No. 126 be adopted and S.B. No. 593, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kouchi.

Senator Slom rose to speak in opposition to the measure as follows:

"As I said previously on this bill, I'm all for agriculture – I have been for many years – but I'm not for subsidies because subsidies just address the symptom of the problem. The symptom of the problem is the high cost of doing business in

Hawai'i, the high cost of transporting feed, the difficulties in maintaining a competitive edge in this state. And by just continuing subsidies rather than making some substantive changes and systemic changes, all we're doing is making sure that we'll continue to have more and more types of agriculture, as this bill indicates, dependent on taxpayer subsidy. Thank you."

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

"I'm glad that this bill came up. My humble Agriculture Chair, that I had the pleasure of serving as a Vice Chair, was very short in his comments on the budget, and really didn't talk about some of the great things that he's done to try and help ensure that we can move away from subsidies.

"I am supporting this because we want to keep agriculture strong and viable, but in the budget we have \$600,000 for a digester that will create feed for hogs and liquid fertilizer that would be at a lower cost than our farmers are now getting. It would produce energy and it would put crops such as sorghum back into the fields for fallow lands that we have that are not working now. And so, with the help of Jimmy Nakatani and the Agribusiness Development Corporation, we are trying to find ways to get off the subsidies to be self-sufficient; and in that process, this digester would create 40 private sector jobs as this would be a public-private partnership, and I think these are the kind of solutions and answers that we're looking for to move Hawai'i forward. So, thank you very much."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 126 was adopted and S.B. No. 593, S.D. 2, H.D. 1, 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, 22. Noes, 2 (Slom, Wakai). Excused, 1 (Ige).

Conf. Com. Rep. No. 135 (S.B. No. 1280, S.D. 2, H.D. 1, C.D. 1):

Senator Gabbard moved that Conf. Com. Rep. No. 135 be adopted and S.B. No. 1280, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kouchi.

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

"We've been discussing the seawater chiller projects for eight years, ten years now, and we still don't have one. And now we've got two bills; we've got this one and also S.B. No. 23 coming up, and we continue. And I understand – I will be voting 'no' if it were GO bonds or revenue bonds; it is special purpose revenue bonds. But the procurers of these bonds do get state tax benefits from them; and I think for just once we should indicate that we would like to see these projects come online, see the actual results of them, rather than always authorizing money on behalf of the state or state backing to do the things that have not come to fruition. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 135 was adopted and S.B. No. 1280, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST A SEAWATER PROJECT," 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 (Ige).

Conf. Com. Rep. No. 140 (H.B. No. 908, H.D. 2, S.D. 1, C.D. 1):

On motion by Senator Green, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 140 was adopted and H.B. No. 908, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOME VISITING PROGRAM," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 141 (H.B. No. 820, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 141 be adopted and H.B. No. 820, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

"I'm going to be voting 'no' on all of the collective bargaining bills solely because we cannot afford them. We're not even sure what the total amount is going to be, although we know we're talking about a figure probably in excess of a half a billion dollars in addition to our budget. Again, as I said earlier, we're really forcing 80 percent of the people that are not unionized to support additional compensation, additional 60-40 benefits in medical, and other benefits that people in the private sector don't have. It's a bad policy. I'm all for paying the promises that we've made, but we're increasing salaries, we're increasing compensation and benefits, and we do not have the money and will not have the money to do this. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 141 was adopted and H.B. No. 820, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 142 (H.B. No. 816, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 142 was adopted and H.B. No. 816, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 145 (H.B. No. 120, H.D. 2, S.D. 2, C.D. 1):

On motion by Senator Chun Oakland, seconded by Senator Green and carried, Conf. Com. Rep. No. 145 was adopted and H.B. No. 120, 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, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 146 (S.B. No. 1194, S.D. 2, H.D. 1, C.D. 1):

Senator Galuteria moved that Conf. Com. Rep. No. 146 be adopted and S.B. No. 1194, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Keith-Agaran.

Senator Slom rose to speak in opposition to the measure as follows:

"The only industry that is carrying the weight of our economy and keeping people employed is Hawai'i's visitor

industry. It had a record-breaking year last year in terms of visitor arrivals and expenditures. It's on pace right now for another record year. That's something we should all celebrate.

"But we should also be cognizant of the fact that we have not diversified our economy; we have not refueled our economy; we have not done anything to make our business and investment climate better. So, the call is, 'Let's continue to tax the visitor industry.' The good news is there were bills early in this session to actually increase the transient accommodations tax from the current supposed temporary 9.25 percent to 11.25 percent. Well, that died, and everybody's patting themselves on the back and saying, 'All we did now was make this temporary tax, which was supposed to sunset, permanent – 9.25 percent.' In addition to that, when you go to a hotel – and all of us do because we become tourists when we go to another island and we try to help the economy with 'staycations' – but when we go, we're paying the 9.25 percent plus we're paying the 4.5 percent or 4.0 percent on the neighbor islands. It's expensive, and I hear people tell me, 'Well, what does a couple more bucks mean to a tourist? They don't care, in the total package.' But guess what? They do care, and it all adds up. And there are many other areas that are competitive with Hawai'i in terms of attracting our visitors.

"Additionally, we know that even though we are enjoying record-breaking amounts of visitor arrivals and expenditures, if we converted them to nominal rates, these are the same rates we had in the 1980s. So, we're doing well compared to every other industry that's not doing well, but we're not doing that well.

"And we know that the visitor industry is very ethereal. We know that our Asian visitors are very skittish right now about what's happening in North Korea and other places around the world. We saw what happened at the Boston Marathon. We know how disruptive things can be and how easily you can change that visitor industry.

"So why do we keep penalizing them and punishing them? Well, the answer is really easy: because the transient accommodation tax, which years ago started out as a tax to fund a state convention center, is now being used by many diverse organizations who see it as a source of additional revenue for their programs.

"So, I think this is a bad idea. It's bad precedence, and I wish you'd reconsider. Thank you."

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

"Madam President, it just amazes me; the previous speaker reminds me of an area of the old Honolulu Stadium – the grandstand. It's amazing that everything that he has to say has much bluster, but does it have facts attached to it?

"This is the number one industry in the State of Hawai'i. This particular bill helps balance the budget, and it balances the budget for the next several years and the outlying years as well. The hotel industry, the visitor industry, has agreed that 9.25 is a good percentage that we made it permanent at this particular point. The Hawai'i Convention Center now has clear direction in the allocation of \$33 million. The Hawai'i Tourism Authority now has much more strength in promoting our number one industry throughout the state and throughout the entire nation and throughout the world. The neighbor islands now can make plans because they have clarity on what they'll be receiving from this particular tax. We'll also have the opportunity to fund our natural resources with the excess revenue coming from this particular tax.

"So, colleagues, I would want you and ask you to support this particular measure because what it does is it completes our

budget, it completes our year, and this is the final piece of the puzzle in our budget. Thank you very much."

Senator Slom rose to speak in rebuttal as follows:

"I respect the majority leader very much and I always listen to his comments. Now, when he criticizes me, that's okay, but to criticize our beloved 'Termite Palace' that everybody spent so much time and encouragement at – where you could afford the admission, you could afford the beer, you could afford the enjoyment there – to attack the 'Termite Palace' as somehow being something out of place... Madam President, it cuts me to the quick.

"Although, he did get one thing right: this is about balancing the budget. It's not about helping the visitor industry or helping the economy; it's about balancing the budget for all these outrageous costs that we've just voted to approve. Thank you, Madam President."

Senator Galuteria rose to speak in rebuttal as follows:

"A brief rebuttal, and I apologize to the 'Termite Palace.' Mahalo. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 146 was adopted and S.B. No. 1194, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 150 (S.B. No. 46, S.D. 2, H.D. 3, C.D. 1):

Senator Taniguchi moved that Conf. Com. Rep. No. 150 be adopted and S.B. No. 46, S.D. 2, H.D. 3, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

"Colleagues, thank you for your patience and support on this issue as we have worked to be in compliance with the federal mandates dealing with post-secondary state authorization requirements for the last three years. What has been at stake is federal Title IV's financial aid for roughly 63,000 students in Hawai'i, totaling more than \$283 million if we fail to stand up a process of authorization by this session in order to meet the July 1, 2013 deadline. Thanks to many individuals, of particular note Krislen Maunakea in our Senate Majority Office, Hawai'i has gone from being amongst the farthest states behind in this area to being referenced in national circles as having one of the most model legislations that other states are now looking at adopting. I would humbly ask for your support in continuing to move this measure forward. Thank you."

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

"Since 2010 when Congress passed requirements for states to authorize post secondary institutions that operate and serve students in their state, Hawaii has been working vigorously to comply in order to maintain eligibility for the roughly 63,000 students that would be impacted and receive over \$283 million in federal student aid under Title IV.

"Unlike other states that have a Department of Higher Education or active boards and commissions to oversee, monitor and regulate both their public and private institutions, Hawaii has historically lacked this kind of formal governance structure, and as such, had amongst the farthest to go in terms of compliance when it came to the recently enacted

amendments to the Re-authorization of the Higher Education Act of 1965.

“For the past three years, we have worked closely with the Western Interstate Commission for Higher Education (WICHE), the Western Association of Schools and Colleges (WASC), our local public and private post secondary institutions and the Office of the Governor to create a regulatory framework and process that would meet all of the requirements for both federal law and to participate in interstate reciprocity agreements that are being created.

“Looking for models of best practice and for what would be most similar to Hawaii, we worked closely with the Colorado legislature to use their statute as a ‘straw man’ and integrated into it the various requirements being development under the State Authorization Reciprocity Agreement (SARA), all the while tweaking the measure to be appropriate for what works best for our state and institutions.

“This has truly been an effort in collaboration and cooperation, with multiple agencies and over a dozen individuals from across the country coming together to help Hawaii craft what is now being hailed as one of the most progressive state authorization laws in the country. Whereas our state started with nothing in terms of a governance and regulatory framework, we now have a system in place that is not overly burdensome, but that provides sufficient oversight and checks and balances to protect our students as consumers of post secondary institutions.

“All of this would not have been possible had it not been for the hard work of many individuals, but in particular, I would like to point out the herculean efforts of our Senate Majority Research attorney Krislen Maunakea, who saw this through from the very beginning and made a very complex and complicated subject understandable. Tammi Chun, Education Policy Advisory to the Governor was also invaluable, both in analyzing the requirements, working to draft the policies and interface with the executive agencies and interfacing with the US Department of Education. And last, but not least, Vice Chair of the House Higher Education Committee Representative Linda Ichiyama was an outstanding partner in helping to navigate this complex piece of legislation through a tough session – without her assistance and her ability to amend the bill to make it stronger overall, it’s passage would not have been possible.

“Now that the guiding statute has been set in place, the real hard work begins in implementing all that is required to comply. With the \$400,000 we have appropriated through this measure, I believe DCCA has both the framework and the resources it needs to do what is right for the students of Hawaii.”

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

“I want to acknowledge the hard work of the Senate Education Chair. She undertook this very monumental task when she chaired both lower and higher ed. I think CD1 is a testament to her ability to grasp all of the things that needed to be in this legislation, but also her willingness to work with a ‘new’ agency, DCCA, that is being tasked with implementing this measure and to make this measure very workable for them as well as for the institutions having to comply. This measure, a mandate from the US DOE, is important so that our students here in Hawai’i can continue to receive much needed financial aid and loans. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 150 was adopted and S.B. No. 46, S.D. 2, H.D. 3, 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, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 159 (S.B. No. 23, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Gabbard, seconded by Senator Kouchi and carried, Conf. Com. Rep. No. 159 was adopted and S.B. No. 23, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST A SEAWATER AIR CONDITIONING PROJECT,” 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. 164 (S.B. No. 911, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 164 was adopted and S.B. No. 911, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 165 (S.B. No. 895, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 165 was adopted and S.B. No. 895, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 166 (S.B. No. 902, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 166 was adopted and S.B. No. 902, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 167 (S.B. No. 909, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 167 was adopted and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 170 (S.B. No. 237, S.D. 2, H.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 170 be adopted and S.B. No. 237, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

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

“While there have been many contentious discussions surrounding this measure, I believe the conference draft that emerged from committee took into account all of the concerns raised and put forth a prudent, piloted approach that will still allow the Department of Education and Board of Education to be innovative as it looks at ways to most responsibly utilize its lands and facilities to provide our students with twenty-first century schools.

“Very much in line with the Senate position going into negotiations, this bill has a defined timeframe within which the department and board must act, requiring that the identification of possible sites and execution of leases must be completed within five years of the signing of this bill. No other sites can be selected or leases executed after such time, unless the Legislature comes back and, through full public discourse, determines that such actions are warranted. Wanting to first explore a well-defined proof of concept, S.B. No. 237 allows the board to identify and select up to five public school land sites as candidates for participation in the pilot program but may lease no more than three of the identified sites.

“In concert with our goals to maximize school and community engagement throughout the process, we have required that the department hold at least one public meeting in each affected community, and must report on their community engagement efforts annually until all of the projects are completed. Responding to county concerns, we have been explicitly redundant and included in the bill language that reiterates that any redevelopment shall comply with county plans, ordinances, and zoning and development codes and requires all required government approvals and permits. We have also included language that requires the department to consult with the county if the land is owned by the county.

“This bill does not fast track any development, and while it does allow the Board of Education to lease lands versus the Board of Land and Natural Resources, we have included language in the conference draft that aligns the lease process with Chapter 171, and allows the DOE to work with any department or agency and receive assistance from them, including DLNR, to carry out the purposes of this pilot.

“In looking at the bill before us, I do believe we were successful in being both bold and responsible as we seek to create community-centered schools that meet the needs and challenges of the twenty-first century, and humbly ask for your support.”

Senator Thielen rose to speak in opposition to the measure as follows:

“I know it’s been a long day, colleagues. I’m going to begin by again complimenting the Chair of the Education Committee. I think she’s done an excellent job in narrowly crafting a bill, of not having exemptions for the land use and zoning, making sure that there is coordination with the city and county, and also permitting the working with other departments.

“But in my reading of the final version of the bill, it still does decouple the long-term leasing process from Chapter 171, and does not place any mandatory requirements on the department to be conducting those lease negotiations through the public bidding process. And so, in order to be consistent with my opposition to the bill, I am going to vote ‘no’ on it.

“I think we will have time to come back next year to address this concern, and hopefully we can. I know there were some comments raised earlier that because some of these school properties are owned by the City and County of Honolulu, there would have to be a public process through the county council,

but that public process, under the city and county ordinances, would only apply to the memorandum of agreement between the state and the city. It would not necessarily apply to the lease negotiations between the state and any long-term developers.

“One of my colleagues commented that since the procurement code would apply to the lease negotiations, there would be a bidding process. However, under HRS 103(d), I think it is, the procurement code only applies to the purchase of goods, services, and construction contracts. It specifically exempts long-term leases of land from the definition of goods. So, in the decoupling of the DOE from the DLNR process, we have inadvertently decoupled these long-term lease negotiations from any requirement that they be done through the public bidding process. My hope is that if this bill passes we can come back next year and provide some type of guidelines to make sure that that leasing process honors the public trust. Thank you.”

Senator Slom rose to speak in opposition to the measure as follows:

“I support a lot of statements that were just made by the good senator from Waimanalo. First of all, we, in negotiations, got bullied by the House conferees. This is not the Senate bill, not the Senate position. And earlier we had the discussion on S.B. No. 1171, and the issue was whether or not the state was a good steward of the ‘āina. Well, if we look at past practices of the State Department of Education, the DOE, we find that citizens have had to fight for their community schools against closure and, in fact, lost that battle in a number of areas. They have fought against decisions made by the DOE without consultation and input from the community. The issue of city-owned lands sitting beneath public schools I do not think has been totally resolved; it is not resolved in this bill. And if we had to rely on the city council, we can see what’s happening with the rail and HART negotiations, as well as budget negotiations right now. So, for all of these reasons, I’m in opposition. Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 170 was adopted and S.B. No. 237, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19; Ayes with Reservations (Galuteria, Ihara, Nishihara, Solomon). Noes, 5 (Dela Cruz, Kidani, Slom, Taniguchi, Thielen). Excused, 1 (Hee).

Conf. Com. Rep. No. 171 (S.B. No. 1093, S.D. 2, H.D. 2, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 171 be adopted and S.B. No. 1093, S.D. 2, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Chun Oakland.

Senator Slom rose to speak in opposition to the measure as follows:

“This, of course, is the crown jewel of the governor’s proposal to have massive new spending. It is a result of a tremendous lobbying effort that started last year and the expenditure of a great deal of money. It’s not really school readiness; it’s a subsidy of school services that currently are paid for directly by parents. It’s also a result of the Legislature’s action in ending the Pre-K program a number of years ago.

“This basically is not education; it’s babysitting. And it is a change of who pays for these services. We’re not creating any new services; we have services now. People can pay for them,

but now we're asking the taxpayers to pay for those who have children who are four years of age. And as discussed previously and in hearings, the proponents of this legislation do not want to stop at four-year-olds; their stated objective is we'll start with the four-year-olds, and then we'll do the three-year-olds, the two-year-olds, the one-year-olds. They want the state to be responsible for the education and the financing for all of this.

"Again, we're talking about a lot of money. It has been estimated that the real cost and the full cost of this program will be \$100 million dollars on a biennium budget. This is a modest proposal of \$6 million, whereas the governor had suggested \$20 million, but the numbers are misleading because they will go up, and that's just for the four-year-olds in the first part of the program.

"This bill also depends on the passage of a constitutional amendment allowing public funds for private resources, private institutions that provide for so-called early learning right now.

"And finally, all we have to do is look at the studies that came out of Head Start, the massive amount of money that went to fund these programs, and the very manini amount of education that came from them. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 171 was adopted and S.B. No. 1093, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL READINESS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 173 (S.B. No. 403, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Galuteria, seconded by Senator Keith-Agaran and carried, Conf. Com. Rep. No. 173 was adopted and S.B. No. 403, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BONDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 177 (H.B. No. 833, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 177 was adopted and H.B. No. 833, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 178 (H.B. No. 668, H.D. 2, S.D. 2, C.D. 1):

Senator Green moved that Conf. Com. Rep. No. 178 be adopted and H.B. No. 668, H.D. 2, S.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

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

"This measure is one of two bills dealing with reform of Hawai'i's medical marijuana program. These bills have been in the making for many, many years, and previously, when we passed legislation we were at the forefront. Unfortunately, we have slipped behind, but these two measures have now pushed us forward and we'll be looking at more improvements in the future years. I would just like to congratulate our Senate Health

Chair from Hawai'i County and the House Health Chair from Makiki for all of the work and effort, and all of the stakeholders and advocates involved as well. Thank you."

Senator Slom rose to speak in opposition to the measure as follows:

"I am in favor of the process that's being proposed, and that is the transfer of the medical marijuana program from Public Safety to Department of Health. In fact, I was the thirteenth vote in the Senate when we passed medical marijuana.

"However, the bill does contain the creation of a new special fund, and even though my colleagues would like me to vote for this special, special, special fund, I can't do it, haven't done it in 17 years, so I vote 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 178 was adopted and H.B. No. 668, 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, 24. Noes, 1 (Slom).

Conf. Com. Rep. No. 181 (H.B. No. 697, S.D. 1, C.D. 1):

On motion by Senator Hee, seconded by Senator Ige and carried, Conf. Com. Rep. No. 181 was adopted and H.B. No. 697, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR PUBLIC EMPLOYMENT COST ITEMS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Conf. Com. Rep. No. 183 (H.B. No. 858, H.D. 1, S.D. 1, C.D. 1):

Senator Dela Cruz moved that Conf. Com. Rep. No. 183 be adopted and H.B. No. 858, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Slom rose to speak in opposition to the measure as follows:

"The bill is filled with wonderful words of encouragement for HI Growth Initiative and for the Department of Business and Economic Development. The problem is we've been told over and over again what we have to do to improve our business climate and investment climate, and we refuse to do that. Instead, we continue to have high taxes, additional taxes, fees, regulations, restrictions, and prohibitions. The government is not going to help with the growth initiative. It's going to come from entrepreneurs and people who are able to reach into their own pockets and provide new business, new jobs, new opportunities, but they're only going to do that if we have a hospitable, rather than a hostile, business climate. This bill doesn't do anything for that except tap more money and hire more bureaucrats. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 183 was adopted and H.B. No. 858, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HI GROWTH INITIATIVE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

At 2:35 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:36 p.m.

Conf. Com. Rep. No. 130 (S.B. No. 946, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 130 and S.B. No. 946, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RESOLVING THE UNFUNDED LIABILITIES OF THE STATE AND THE COUNTIES," was deferred until Thursday, May 2, 2013.

FINAL READING

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 1 (S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1):

Senator Tokuda moved that Conf. Com. Rep. No. 1 be adopted and S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

Senator Slom rose to speak in opposition to the measure as follows:

"I think this bill sets a bad precedent. It is a constitutional amendment, however, and would have to be voted upon by the people. But to change our Constitution and what we're doing – to take public funds to support private institutions – right now, it only talks about early learning private institutions, but once this were in place, it could be broadened and expanded, and I think it's a bad policy. Thank you."

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

"Colleagues, much of what we do here is maintaining, changing, adding to, or repealing what policymakers of the past did before us. This is not a bad thing, merely an observation of how government functions and works to keep society moving. But I raise this point to illustrate how unique an opportunity we have in S.B. No. 1084 to be a part of the beginning, the very start, of something I believe is a real game-changer for our people and our state.

"I could cite you the statistics and studies again, from Heckman to Perry, about why access to high quality early learning opportunities are the greatest equalizer a child can have. I could remind you about the research done on Hawai'i concluding that the social benefit from early learning, from a lower crime rate to a more productive economy, is 4.2 times the cost of the investment.

"I could verbally refute the arguments that have come in against this bill asking you to vote 'no.' This is not a voucher system. It lacks the fundamental characteristics of a voucher system like absolute parental choice, and will not open the door to vouchers or privatization into the K-12 public education system.

"Or the fact that our state is amongst the strongest Blaine Amendment states in the country. This bill does not water down our Constitution's protection of the separation of church and state; and this voluntary program would allow faith-based preschool providers to either continue operating separate and apart from the program, or participate utilizing models of best practice taken from other states and the federal government that safeguard against entanglement issues.

"For those calling for mandatory kindergarten first, we've essentially achieved that with 97-98 percent of children who would attend kindergarten if it were mandatory already attending on a voluntary basis.

"And then there was the K-12 argument: fund the system and focus on our K-12 pipeline first. On such a fundamental level, we are. By making sure our children are ready to learn

when they enter kindergarten and have access to high quality early learning opportunities regardless of their socio-economic status, regardless of where they live, we are enhancing the efforts already underway to improve and strengthen Hawai'i's P20 system of public education.

"In finally seeking to step out and create a publicly funded early learning system, we are the witnesses to a beginning, and it all started last year when we created the Executive Office on Early Learning. It has foundationally moved into our school readiness program which we just adopted through S.B. No. 1093, and has the potential to really take shape through this constitutional amendment because here's the thing: while we in government are new to the early learning game, our partners in the private sectors are leaders in the field. As I've said before, if you need a reason to support our early learning bills, you need look no further than our own communities, our own families, our own lives. If you or a loved one have had the benefit of a preschool education, it was because a private provider gave it to you. For decades, they have shouldered the burden and responsibility of educating our youngest children alone. This constitutional amendment would allow government to step up to the plate and partner with the private sector as we seek to prepare our children to be ready to succeed in both school and in life.

"A survey done last year for the People's Pulse showed a broad consensus in favor of funding early learning with 77 percent indicating that it was important to fund a preschool program here in Hawai'i. People in Hawai'i want to come out of the small minority of states that do not put public funds towards early learning, and this bill would allow people to affirmatively cast their vote in the direction they want to see our state go in. Even if you disagree with me despite the arguments and all of the points we have made thus far, I'll completely understand and respect your right to vote 'no' – on the general election ballot in 2014. But let us first give every voter in Hawai'i that opportunity. They deserve to make an educated and informed decision about how we should educate our youngest of keiki, and it starts with a 'yes' vote today. Thank you."

At 2:42 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:44 p.m.

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

"As the spouse of a Hawai'i public school teacher for 18 years, I understand the concerns expressed by the teachers; I understand the life that a teacher has and the dedicated work that our public school teachers have put in. But I do agree with my colleague that I support putting this to a vote of the people of Hawai'i to hear from them, but would also state for the record today, so that I am on record in this chamber, that I oppose any voucher system today and would continue to oppose any voucher system going forward so there can be no confusion on my vote. Thank you."

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

"I don't believe it to be a voucher as it was reported to be. I do believe that the voters deserve to weigh in on this issue, so I will be supporting this measure. Thank you."

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

"I, too, speak in very strong support; and as an educator, I feel that this is timely for our Hawai'i, and I would like to

incorporate the remarks of the speaker, our majority whip, as though they were my own. Thank you.”

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

“As one who has experienced and attended school at the age of three years old in the fishing village of Miloli‘i, I speak in strong support of this measure and ask my colleagues to do the same. Thank you.”

Senator Baker rose to speak in opposition to the measure as follows:

“I’m also an educator by training; and I know that junior-K was very valuable, and I regret that we didn’t take the step of continuing to invest in that program. I’m concerned that while this is not a voucher per se, perhaps, Governor called me and said it wouldn’t be a voucher on his watch. Unfortunately, we can’t say that for future generations or for future governors. And I’m very concerned that what I hear in the community is that the schools that we might want to partner with are not interested because they’re concerned about strings that might come with that money, and if that’s the case, it means that this approach is not going to work.

“So, I would rather take a pause; let’s see what kind of implementing legislation advocates are able to come up with next year. The implementing bill did not get out of conference which makes me wary. I think we need to know the details of what voters will be asked to approve, and I think that would be the more appropriate way. So while I appreciate the dedication and passion of our Education Chair, I cannot vote for this measure; I voted against it when it was first considered in the Senate, and I’m being consistent. Thank you.”

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

“I wanted to thank our Education Chair for her very diligent and very difficult task of bringing this measure this far. And I, too, must say that I do not support vouchers; however, I very strongly support our keiki. Aloha.

Senator Slom rose in rebuttal and said:

“I found this discussion very interesting because it’s really not about the keiki; it’s about the fear of vouchers. I do believe that the Governor, who is sitting up in the gallery, would never have vouchers; I absolutely believe he’s telling the truth... Yeah, because we don’t like choice for people in our state.

“These keiki have parents; let the parents be responsible for their children. We’re not talking about services that do not exist right now. We’re talking about asking the taxpayers to subsidize a small group of people, and we’re doing it because, as I said earlier, of legislative action to get rid of the pre-K program. And again, we’re talking about not four-year-olds, but the entire program – four-year-olds, three-year-olds, two-year-olds, one-year-olds. We’re talking about an extremely expensive program, and now we learn that while we would authorize or possibly authorize the use of public funds for private sources, oh, we’ve got to be really careful – don’t let any religious-based or any organizations that we don’t believe in, don’t let them have any of that money, so we’ll probably have additional legislation.

“So again, this is not about education; this is about funding and subsidies. I urge you to vote it down. Thank you.”

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

“I think this is a tough call. I did have an opportunity to have a very good and thorough discussion with our governor, and we kind of concluded together – and I took a lot of his advice –

that ultimately, more resources being invested in education, at the end of the day, is a good thing. I think all of the studies have been showing that resources invested in children at an early age pay off. We certainly don’t want to do anything ever to undermine public education; in fact, I’d like to see companion measures to increase pay for school teachers. I think that’s the right place for us to put our money. But at the end of the day, I think this is a good investment for kids, so I’d urge my colleagues to also vote up.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 1 was adopted and S.B. No. 1084, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1, OF THE HAWAII STATE CONSTITUTION TO PERMIT THE APPROPRIATION OF PUBLIC FUNDS FOR PRIVATE EARLY CHILDHOOD EDUCATION PROGRAMS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (Chun Oakland, Hee, Ihara, Taniguchi, Wakai). Noes, 4 (Baker, Dela Cruz, Espero, Slom).

At this time, Senator Galuteria introduced Governor Neil Abercrombie, who was seated in the gallery.

Conf. Com. Rep. No. 54 (H.B. No. 622, H.D. 1, S.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 54 be adopted and H.B. No. 622, H.D. 1, S.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Shimabukuro.

At 2:51 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 2:54 p.m.

Senator Thielen rose to speak in opposition to the measure as follows:

“I know it’s been a long day and from what I’ve heard, the measure was amended on the House side, so it appears the bill is dead. So, rather than make my remarks, I would just like to have them entered into the record.”

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

“A press that is free to investigate and criticize the government is absolutely essential in a nation that practices self-government and is therefore dependent on an educated and enlightened citizenry.

“There is no question that some publications take advantage of the freedom of the press, and publish lies, gossip and trash that have nothing to do with enlightening people, and in some cases may even intend to deceive and mislead the people.

“One of the great political figures of our time was himself subject to these kinds of bad publications and personal attacks during his tenure. But despite the acts of some journalists, Thomas Jefferson remained a staunch believer in the ultimate triumph of truth in the free marketplace of ideas, and looked to that for his final vindication.

The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers of newspapers without a government, I should not hesitate a moment to prefer the latter.

– Thomas Jefferson to Edward Carrington, 1787.

"I've heard opponents of this bill being described as 'self serving.' But I don't think anyone could describe Thomas Jefferson as self-serving.

"No doubt he would be horrified by the collapse and consolidation of the news media in today's world.

"No doubt he would applaud the attempts to democratize the reporting of news through the Internet.

"And no doubt he would judge reporting by its content, and not by who a reporter works for or how her work is disseminated. After all, he lived in a world where reporters and journalists did not work for corporations and did not always receive paid subscriptions for their reporting.

"Fellow Senators, we should support a strong and diverse free press. Please do not support this bill. Please do not adopt a state law whereby we define journalism by the type of employer and the method of circulation."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 54 was adopted and H.B. No. 622, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 16; Ayes with Reservations (Gabbard, Kahele, Solomon, Taniguchi). Noes, 9 (Baker, Espero, Green, Ihara, Kidani, Nishihara, Ruderman, Slom, Thielen).

Conf. Com. Rep. No. 132 (S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 132 be adopted and S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Ige.

Senator Ige rose to make the following remarks:

"Madam President, I would request that we recommit this measure."

At 2:56 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 3:10 p.m.

By unanimous consent, Conf. Com. Rep. No. 132 and S.B. No. 1057, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS," were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 167 (S.B. No. 909, S.D. 1, H.D. 1, C.D. 1):

Senator Ige moved that the Senate reconsider its previous action taken earlier on the calendar in adopting Conf. Com. Rep. No. 167 and passing S.B. No. 909, S.D. 1, H.D. 1, C.D. 1 on Final Reading, seconded by Senator Hee and carried.

Senator Ige noted:

"Yes, Madam President, if we could defer action on this measure one day."

By unanimous consent, action on Conf. Com. Rep. No. 167 and S.B. No. 909, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred until Thursday, May 2, 2013.

Conf. Com. Rep. No. 125 (H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1):

Senator Hee moved that the Senate reconsider its previous action taken earlier on the calendar in adopting Conf. Com.

Rep. No. 125 and passing H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1 on Final Reading, seconded by Senator Ige and carried.

Senator Hee noted:

"I would ask that the measure be recommitted."

By unanimous consent, Conf. Com. Rep. No. 125 and H.B. No. 1147, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were recommitted to the Committee on Conference.

MISCELLANEOUS COMMUNICATION

The following communication (Misc. Com. No. 7) was read by the Clerk and was placed on file:

Misc. Com. No. 7, from the Honorable Donna Mercado Kim, President of the Senate, and the Honorable Joseph M. Souki, Speaker of the House of Representatives, dated April 26, 2013, transmitting a Legislative Communication extending the filing deadline for conference committee reports and conference drafts for fiscal bills from 11:30 p.m. to midnight.

RECONSIDERATION OF ACTION TAKEN

S.B. No. 4 (H.D. 2):

Senator English moved that the Senate reconsider its action taken on April 11, 2013, in disagreeing to the amendments proposed by the House to S.B. No. 4, seconded by Senator Espero and carried.

Senator English moved that the Senate agree to the amendments proposed by the House to S.B. No. 4, seconded by Senator Espero.

Senator English noted:

"Members, this is the backseat seatbelt bill, and we sent over a clean bill to the House – that means the date was correct. The first committee, the Transportation Committee, defected the date, and the second committee brought back the date to what we sent over. So, in essence, the House agreed to the Senate position in a very convoluted manner. So, we sent this up to you about two weeks ago, Madam President, and we're glad to see that this is finally here for passage. I'm glad the process was followed."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 4, and S.B. No. 4, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was placed on the calendar for Final Reading on Thursday, May 2, 2013.

STANDING COMMITTEE REPORTS

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1641) recommending that the Senate advise and consent to the nominations to the Board of Registration of the Island of Hawai'i of the following:

ANDREW KAHILL, in accordance with Gov. Msg. No. 562;

PHILIP MATLAGE, in accordance with Gov. Msg. No. 563; and

PHILIP MATLAGE, in accordance with Gov. Msg. No. 564.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1641 and Gov. Msg. Nos. 562, 563, and 564 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1642) recommending that the Senate advise and consent to the nomination of ALAN BURDICK to the Board of Registration of the Island of O'ahu, in accordance with Gov. Msg. No. 565.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1642 and Gov. Msg. No. 565 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1643) recommending that the Senate advise and consent to the nomination of ROSE KURITA to the Board of Registration of the Islands of Kaua'i and Ni'ihau, in accordance with Gov. Msg. No. 567.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1643 and Gov. Msg. No. 567 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1644) recommending that the Senate advise and consent to the nominations to the Board of Trustees of the Deferred Compensation Plan of the following:

MICHAEL OKUMOTO, in accordance with Gov. Msg. No. 568;

KENNETH VILLABRILLE, in accordance with Gov. Msg. No. 726; and

BRIAN MOTO, in accordance with Gov. Msg. No. 727.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1644 and Gov. Msg. Nos. 568, 726, and 727 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1645) recommending that the Senate advise and consent to the nomination of ALEXANDRA SCANLAN to the Defender Council, in accordance with Gov. Msg. No. 569.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1645 and Gov. Msg. No. 569 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1646) recommending that the Senate advise and consent to the nominations to the Hawai'i Workforce Development Council of the following:

SUNSHINE TOPPING, in accordance with Gov. Msg. No. 570; and

CONSTANCE MITCHELL, in accordance with Gov. Msg. No. 684.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1646 and Gov. Msg. Nos. 570 and 684 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1647) recommending that the Senate advise and consent to the nominations to the Language Access Advisory Council of the following:

LITO ASUNCION, in accordance with Gov. Msg. No. 571;

PATRICIA HARPSTRITE, in accordance with Gov. Msg. No. 572; and

MINDY EMMONS, in accordance with Gov. Msg. No. 685.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1647 and Gov. Msg. Nos. 571, 572, and 685 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1648) recommending that the Senate advise and consent to the nominations to the Hoisting Machine Operators Advisory Board of the following:

JOAQUIN DIAZ, in accordance with Gov. Msg. No. 649; and

DONALD GENTZLER, in accordance with Gov. Msg. No. 675.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1648 and Gov. Msg. Nos. 649 and 675 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1649) recommending that the Senate advise and consent to the nomination of COLBERT MATSUMOTO to the Board of Trustees of the Employees' Retirement System, in accordance with Gov. Msg. No. 674.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1649 and Gov. Msg. No. 674 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1650) recommending that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

JUDY KERN, in accordance with Gov. Msg. No. 683; and

MARILYN LEE, in accordance with Gov. Msg. No. 728.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1650 and Gov. Msg. Nos. 683 and 728 was deferred until Thursday, May 2, 2013.

Senator Hee, for the Committee on Judiciary and Labor, presented a report (Stand. Com. Rep. No. 1651) recommending that the Senate advise and consent to the nomination of ARTEMIO BAXA to the Civil Rights Commission, in accordance with Gov. Msg. No. 766.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1651 and Gov. Msg. No. 766 was deferred until Thursday, May 2, 2013.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1652) recommending that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

JOEL GUY, in accordance with Gov. Msg. No. 658; and

SHERMAN WARNER, in accordance with Gov. Msg. No. 679.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1652 and Gov. Msg. Nos. 658 and 679 was deferred until Thursday, May 2, 2013.

Senator Wakai, for the Committee on Technology and the Arts, presented a report (Stand. Com. Rep. No. 1653) recommending that the Senate advise and consent to the nomination of NANCY PEACOCK to the Hawai'i Historic Places Review Board, in accordance with Gov. Msg. No. 784.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1653 and Gov. Msg. No. 784 was deferred until Thursday, May 2, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1654) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Tri-Isle Subarea of the following:

CONSTANCE WILLIAMS, in accordance with Gov. Msg. No. 695;

COLIN HANLON, in accordance with Gov. Msg. No. 696; and

CURT MORIMOTO, in accordance with Gov. Msg. No. 697.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1654 and Gov. Msg. Nos. 695, 696, and 697 was deferred until Thursday, May 2, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1655) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Windward Subarea of the following:

IRENE CARPENTER, in accordance with Gov. Msg. No. 698; and

CHRISTOPHER SIBLEY, in accordance with Gov. Msg. No. 699.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1655 and Gov. Msg. Nos. 698 and 699 was deferred until Thursday, May 2, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1656) recommending that the Senate advise and consent to the nomination of ANDREW ANCHETA to the Health Planning Council, West O'ahu Subarea, in accordance with Gov. Msg. No. 700.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1656 and Gov. Msg. No. 700 was deferred until Thursday, May 2, 2013.

Senator Green, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1657) recommending that the Senate advise and consent to the nomination of TITO VILLANUEVA to the Health Planning Council, Kaua'i Subarea, in accordance with Gov. Msg. No. 701.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1657 and Gov. Msg. No. 701 was deferred until Thursday, May 2, 2013.

Senator Galuteria, for the Committee on Tourism and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1658) recommending that the Senate advise and consent to the nomination of ELDON PATE-KAHAKALAU to the Island Burial Council, Island of Hawai'i, in accordance with Gov. Msg. No. 767.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1658 and Gov. Msg. No. 767 was deferred until Thursday, May 2, 2013.

Senators Green and Baker, for the Committee on Health and the Committee on Commerce and Consumer Protection, presented a joint report (Stand. Com. Rep. No. 1659) recommending that H.C.R. No. 23, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1659 and H.C.R. No. 23, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO DEVELOP RECOMMENDATIONS FOR IMPROVING OBESITY PREVENTION-RELATED SERVICES AND COUNSELING IN ACCORDANCE WITH THE IMPLEMENTATION OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT," was deferred until Thursday, May 2, 2013.

Senators Green, Chun Oakland, and Ige, for the Committee on Health and the Committee on Human Services and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1660) recommending that H.C.R. No. 146, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1660 and H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF A WORK GROUP TO EXAMINE SOCIAL DETERMINANTS OF HEALTH AND RISK ADJUSTMENT FOR MEDICAID, GAP-GROUP, AND UNINSURED INDIVIDUALS," was deferred until Thursday, May 2, 2013.

Senators Green and Ige, for the Committee on Health and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1661) recommending that H.C.R. No. 216, H.D. 1 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1661 and H.C.R. No. 216, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONVENING OF A TASK FORCE TO ESTABLISH A STROKE SYSTEM OF CARE IN THE STATE," was deferred until Thursday, May 2, 2013.

ADJOURNMENT

At 3:14 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 10:00 a.m., Thursday, May 2, 2013.

ATTACHMENT A

From: Bruce.B.Kim@DCCA.HAWAII.GOV
Sent: Tuesday, April 30, 2013 9:15 AM
To: All Reps; All Senators
Subject: SB1214 Booting

Aloha Senators & Representatives: This confirms that OCP has already testified concerning earlier versions of bills relating to booting, i.e. HB1100, that the practice is illegal under the current towing law HRS § 290-11 and that OCP is in agreement with the Attorney General's February 8, 2013 letter opinion that applying a tire boot to a vehicle constitutes Criminal Tampering in 2d Degree under HRS § 708-827(1).

As the Attorney General clearly points out in his letter opinion: "In order to commit the offense of second degree criminal tampering, the offender must have intentionally tampered with another person's property with the specific intent to cause substantial inconvenience to the other person, and the offender must have done so without that person's consent. It appears that applying a tire boot to a vehicle without consent would violate the criminal tampering statute."

Please contact our office if you have any questions regarding this matter. Thank you.

Bruce B. Kim, Executive Director
State of Hawaii, Office of Consumer Protection
235 S. Beretania Street, Room 801
Honolulu, Hawaii 96813-2419
(808) 586-2636
(808) 586-2640 Fax
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