

## TWENTY-FIFTH DAY

Tuesday, March 5, 2013

The Senate of the Twenty-Seventh Legislature of the State of Hawai'i, Regular Session of 2013, convened at 9:39 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 Twenty-Fourth Day.

**MESSAGE FROM THE GOVERNOR**

The following message from the Governor (Gov. Msg. No. 706) was read by the Clerk and was placed on file:

Gov. Msg. No. 706, letter dated March 1, 2013, correcting the term of the nomination for Gov. Msg. No. 614, Gubernatorial Nominee to the State Board of Nursing, THOMAS JOSLYN, term to expire amended to June 30, 2016.

**HOUSE COMMUNICATIONS**

The following communications from the House (Hse. Com. Nos. 140 to 151) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 140, transmitting H.C.R. No. 37, which was adopted by the House of Representatives on March 1, 2013, was placed on file.

By unanimous consent, action on H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A PERPETUAL, NONEXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS LOCATED IN KAPAHULU, HONOLULU, OAHU, FOR THE USE, MAINTENANCE, AND REPAIR OF AN EXISTING SEAWALL AND STEPS," was deferred.

Hse. Com. No. 141, transmitting H.B. No. 92, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 92, entitled: "A BILL FOR AN ACT RELATING TO VOTING," passed First Reading by title and was referred to the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor.

Hse. Com. No. 142, transmitting H.B. No. 293, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 293, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MICROBE," passed First Reading by title and was referred to the Committee on Technology and the Arts.

Hse. Com. No. 143, transmitting H.B. No. 353, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 353, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed First Reading by title and was referred to the Committee on Agriculture, then to the Committee on Ways and Means.

Hse. Com. No. 144, transmitting H.B. No. 430, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 430, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 145, transmitting H.B. No. 489, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 489, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDING PERMITS," passed First Reading by title and was referred jointly to the Committee on Agriculture and the Committee on Public Safety, Intergovernmental and Military Affairs.

Hse. Com. No. 146, transmitting H.B. No. 504, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 504, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 147, transmitting H.B. No. 506, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 506, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 148, transmitting H.B. No. 524, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 524, entitled: "A BILL FOR AN ACT RELATING TO THE HONOR AND REMEMBER FLAG," passed First Reading by title and was referred to the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 149, transmitting H.B. No. 763, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 763, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," passed First Reading by title and was referred to the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 150, transmitting H.B. No. 1203, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed First Reading by title and was referred to the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor.

Hse. Com. No. 151, transmitting H.B. No. 1282, H.D. 1, which passed Third Reading in the House of Representatives on March 1, 2013, was placed on file.

On motion by Senator Espero, seconded by Senator Slom and carried, H.B. No. 1282, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY SERVICE," passed First Reading by title and was referred to the Committee on Public Safety, Intergovernmental and Military Affairs.

#### SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 69 to 75) were read by the Clerk and were deferred:

S.C.R. No. 69 "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF A FIFTY-FIVE YEAR TERM, NON-EXCLUSIVE EASEMENT COVERING A PORTION OF STATE SUBMERGED LANDS AT PUAMANA, LAHAINA, MAUI, FOR VARIOUS SEAWALL STRUCTURES, A CONCRETE GROIN, AND REVETMENT FOOTINGS OF A HISTORIC SWIMMING POOL."

Offered by: Senator Baker.

S.C.R. No. 70 "SENATE CONCURRENT RESOLUTION SUPPORTING THE RIGHT OF HAWAII'S FARMERS TO SELL THEIR LOCALLY GROWN PRODUCE FREE OF DUPLICATIVE AND UNNECESSARY STATE AND LOCAL RULES AND REGULATIONS."

Offered by: Senators Ruderman, Chun Oakland, Espero, Green, Slom, Wakai.

S.C.R. No. 71 "SENATE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF NON-GOVERNMENTAL ENTITIES THAT HELP LOCAL AGRICULTURAL PRODUCERS MEET FEDERAL FOOD SAFETY AND FOOD SECURITY REQUIREMENTS."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Green, Ihara, Slom, Thielen, Wakai.

S.C.R. No. 72 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A NEEDS-BASED ASSESSMENT AND A FEASIBILITY STUDY FOR A NEW SCHOOL IN HAWAIIAN PARADISE PARK."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Green, Ihara, Thielen, Wakai.

S.C.R. No. 73 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE COUNTIES AND CONSIDER, AMONG OTHER THINGS, COUNTY COMMUNITY DEVELOPMENT PLANS WHEN DESIGNING PROJECTS UNDER THE FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Green, Ihara, Slom, Thielen, Wakai.

S.C.R. No. 74 "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO ADD THE ALBIZIA TREE TO ITS NOXIOUS WEED LIST AND URGING THE INVASIVE SPECIES COUNCIL TO DEVELOP AND IMPLEMENT A COMPREHENSIVE INTERAGENCY PLAN FOR THE CONTROL AND ERADICATION OF ALBIZIA ON THE ISLAND OF HAWAII."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Ihara, Slom, Taniguchi, Thielen.

S.C.R. No. 75 "SENATE CONCURRENT RESOLUTION URGING THE FEDERAL GOVERNMENT TO RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL."

Offered by: Senators Ruderman, Slom.

#### SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 37 to 42) were read by the Clerk and were deferred:

S.R. No. 37 "SENATE RESOLUTION SUPPORTING THE RIGHT OF HAWAII'S FARMERS TO SELL THEIR LOCALLY GROWN PRODUCE FREE OF DUPLICATIVE AND UNNECESSARY STATE AND LOCAL RULES AND REGULATIONS."

Offered by: Senators Ruderman, Chun Oakland, Espero, Green, Slom, Wakai.

S.R. No. 38 "SENATE RESOLUTION SUPPORTING THE EFFORTS OF NON-GOVERNMENTAL ENTITIES THAT HELP LOCAL AGRICULTURAL PRODUCERS MEET FEDERAL FOOD SAFETY AND FOOD SECURITY REQUIREMENTS."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Green, Ihara, Slom, Thielen, Wakai.

S.R. No. 39 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A NEEDS-BASED ASSESSMENT AND A FEASIBILITY STUDY FOR A NEW SCHOOL IN HAWAIIAN PARADISE PARK."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Green, Ihara, Thielen, Wakai.

S.R. No. 40 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSULT WITH THE COUNTIES AND CONSIDER, AMONG OTHER THINGS, COUNTY COMMUNITY DEVELOPMENT PLANS WHEN DESIGNING PROJECTS UNDER THE FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Green, Ihara, Slom, Thielen, Wakai.

S.R. No. 41 "SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO ADD THE ALBIZIA TREE TO ITS NOXIOUS WEED LIST AND URGING THE INVASIVE SPECIES COUNCIL TO DEVELOP AND IMPLEMENT A COMPREHENSIVE INTERAGENCY PLAN FOR THE CONTROL AND ERADICATION OF ALBIZIA ON THE ISLAND OF HAWAII."

Offered by: Senators Ruderman, Baker, Chun Oakland, Espero, Galuteria, Ihara, Slom, Thielen.

S.R. No. 42 "SENATE RESOLUTION URGING THE FEDERAL GOVERNMENT TO RELEASE ROGER CHRISTIE ON BAIL PENDING TRIAL."

Offered by: Senators Ruderman, Slom.

#### ORDER OF THE DAY

#### HOUSE COMMUNICATIONS

#### MATTERS DEFERRED FROM FRIDAY, MARCH 1, 2013

H.C.R. No. 41 (Hse. Com. No. 12):

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO RENAME THE KILAUEA POINT LIGHTHOUSE LOCATED ON THE ISLAND OF KAUAI, HAWAII, IN HONOR OF THE LATE SENATOR DANIEL K. INOUE," was adopted.

H.C.R. No. 42 (Hse. Com. No. 13):

On motion by Senator Espero, seconded by Senator Slom and carried, H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DESIGNATE, WHEN APPROPRIATE, ROUTE 200 ON THE ISLAND OF HAWAII AS THE DANIEL K. INOUE LEGACY HIGHWAY," was adopted.

### THIRD READING

#### MATTERS DEFERRED FROM FRIDAY, MARCH 1, 2013

S.B. No. 1033:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1033, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1298:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1298, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCIAL ADMINISTRATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1039:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1039, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1172:

On motion by Senator Solomon, seconded by Senator Galuteria and carried, S.B. No. 1172, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVES SYSTEM COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1076:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1076, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE DOCTOR OF ACUPUNCTURE TITLE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1177:

On motion by Senator Espero, seconded by Senator Baker and carried, S.B. No. 1177, entitled: "A BILL FOR AN ACT RELATING TO THE REENTRY COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 32:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 32, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 978:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 978, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 888:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 888, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 31:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 31, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 509 (S.B. No. 200):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 509 was adopted and S.B. No. 200, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 510 (S.B. No. 608, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 510 was adopted and S.B. No. 608, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 512 (S.B. No. 972):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 512 was adopted and S.B. No. 972, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC PRESCRIPTIONS," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 514 (S.B. No. 1025):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 514 was adopted and S.B. No. 1025, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 515 (S.B. No. 856):

On motion by Senator Wakai, seconded by Senator Nishihara and carried, Stand. Com. Rep. No. 515 was adopted and S.B. No. 856, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 527 (S.B. No. 1209, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 527 was adopted and S.B. No. 1209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 529 (S.B. No. 442, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 529 was adopted and S.B. No. 442, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 530 (S.B. No. 453):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 530 was adopted and S.B. No. 453, entitled: "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 532 (S.B. No. 8, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 532 was adopted and S.B. No. 8, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 533 (S.B. No. 1180):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 533 was

adopted and S.B. No. 1180, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SCHEDULING OF CONTROLLED SUBSTANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1138:

On motion by Senator Green, seconded by Senator Tokuda and carried, S.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO VACCINATION GUIDELINES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 192:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 192, entitled: "A BILL FOR AN ACT RELATING TO PROSTITUTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 966:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 966, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM MEDIATION ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1036:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 1036, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM PERSONNEL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

### THIRD READING

S.B. No. 1185, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1185, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENIAL OF GENERAL EXCISE TAX BENEFITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1191, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF REVIEW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 502, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 502, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE SELLER DISCLOSURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 409, S.D. 1:

On motion by Senator Galuteria, seconded by Senator Wakai and carried, S.B. No. 409, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MAHINA 'ŌLELO HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 212, S.D. 1:

On motion by Senator Espero, seconded by Senator Baker and carried, S.B. No. 212, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 464, S.D. 1:

On motion by Senator Espero, seconded by Senator Baker and carried, S.B. No. 464, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 329, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 877, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 877, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH HEARINGS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 6, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 6, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 9, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 9, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 872, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 872, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION OF RESTITUTION FOR CRIME VICTIMS," having been read

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

Ayes, 25. Noes, none.

S.B. No. 1045, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1045, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC COOPERATIVES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1187, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1187, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DELINQUENT TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1091, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1091, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ITEMIZED INCOME TAX DEDUCTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 586, S.D. 1:

On motion by Senator Nishihara, seconded by Senator Espero and carried, S.B. No. 586, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL BUILDING PERMITS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1206, S.D. 1:

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 516 (S.B. No. 1106, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 516 was adopted and S.B. No. 1106, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FROM CHILD CARE LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 517 (S.B. No. 498, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 517 was adopted and S.B.

No. 498, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 518 (S.B. No. 23, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 518 was adopted and S.B. No. 23, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 520 (S.B. No. 102, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 520 was adopted and S.B. No. 102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 521 (S.B. No. 400, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 521 was adopted and S.B. No. 400, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 522 (S.B. No. 490, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 522 was adopted and S.B. No. 490, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 523 (S.B. No. 506, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 523 was adopted and S.B. No. 506, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 524 (S.B. No. 19, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 524 was adopted and S.B. No. 19, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 526 (S.B. No. 914, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 526 was adopted and S.B. No. 914, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE CONVEYANCES," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 536 (S.B. No. 1183, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 536 was adopted and S.B. No. 1183, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 537 (S.B. No. 341, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 537 was adopted and S.B. No. 341, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF REMAINS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1265, S.D. 1:

On motion by Senator Baker, seconded by Senator Hee and carried, S.B. No. 1265, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 88, S.D. 1:

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

Ayes, 25. Noes, none.

S.B. No. 853, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 853, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ELECTIONS COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 858, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 858, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 350, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1094, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1094, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY AND BUDGET RESERVE FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1188, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTATE AND GENERATION-SKIPPING TRANSFER TAXES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1190, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPOSITION OF USE TAX ON IMPORTED CONTRACTING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1197, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TAXATION SPECIAL ENFORCEMENT SECTION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1203, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1203, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII ESTATE AND GENERATION-SKIPPING TRANSFER TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 194, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 194, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 190, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 41, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 41, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 566 (S.B. No. 965, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 566 was adopted and S.B. No. 965, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND VOCATIONAL LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 568 (S.B. No. 82, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 568 was adopted and S.B. No. 82, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 569 (S.B. No. 204, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 569 was adopted and S.B. No. 204, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 570 (S.B. No. 326, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 570 was adopted and S.B. No. 326, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 572 (S.B. No. 497, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 572 was adopted and S.B. No. 497, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO BEACH NOURISHMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 573 (S.B. No. 564, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 573 was adopted and S.B. No. 564, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII-GROWN PRODUCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 574 (S.B. No. 661, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 574 was adopted and S.B. No. 661, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HAWAI'I PACIFIC HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 575 (S.B. No. 726, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 575 was adopted and S.B. No. 726, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 576 (S.B. No. 1339, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 576 was adopted and S.B. No. 1339, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL AREAS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 579 (S.B. No. 452, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 579 was adopted and S.B. No. 452, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 580 (S.B. No. 499, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 580 was adopted and S.B. No. 499, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARTITION OF HEIRS PROPERTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 581 (S.B. No. 529, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 581 was adopted and S.B. No. 529, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL RIGHTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 582 (S.B. No. 548, S.D. 1):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 582 was adopted and S.B. No. 548, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TELEMEDICINE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 584 (S.B. No. 1371, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 584 was adopted and S.B. No. 1371, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," having been

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 585 (S.B. No. 1317, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 585 was adopted and S.B. No. 1317, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JAPANESE AMERICAN EXPERIENCE IN HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 587 (S.B. No. 1273, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 587 was adopted and S.B. No. 1273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 588 (S.B. No. 1221, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 588 was adopted and S.B. No. 1221, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 593 (S.B. No. 1003, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 593 was adopted and S.B. No. 1003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION TECHNOLOGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 594 (S.B. No. 930, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 594 was adopted and S.B. No. 930, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS SUSTAINABLE CONCRETE INITIATIVE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 595 (S.B. No. 681, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 595 was adopted and S.B. No. 681, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOOD SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 596 (S.B. No. 665, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 596 was adopted and S.B. No. 665, S.D. 1, entitled: "A BILL FOR AN ACT RELATING



TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 597 (S.B. No. 664, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 597 was adopted and S.B. No. 664, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 598 (S.B. No. 539, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 598 was adopted and S.B. No. 539, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO VETERANS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 601 (S.B. No. 74, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 601 was adopted and S.B. No. 74, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CORRECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 602 (S.B. No. 58, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 602 was adopted and S.B. No. 58, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 603 (S.B. No. 5, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 603 was adopted and S.B. No. 5, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC LANDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 606 (S.B. No. 30, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 606 was adopted and S.B. No. 30, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 608 (S.B. No. 614, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 608 was adopted and S.B. No. 614, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC WORKS OF ART,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 609 (S.B. No. 878, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 609 was adopted and S.B. No. 878, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ARBITRATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 614 (S.B. No. 1214, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 614 was adopted and S.B. No. 1214, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSPORTATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 616 (S.B. No. 1103):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 616 was adopted and S.B. No. 1103, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE NURSING FACILITY SUSTAINABILITY PROGRAM SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 617 (S.B. No. 1102):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 617 was adopted and S.B. No. 1102, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FROM THE HOSPITAL SUSTAINABILITY PROGRAM SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 618 (S.B. No. 327, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 618 was adopted and S.B. No. 327, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 933, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 933, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE TRICARE PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 407, S.D. 1:

On motion by Senator Galuteria, seconded by Senator Keith-Agaran and carried, S.B. No. 407, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ISLAND BURIAL COUNCILS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 170, S.D. 2:

On motion by Senator Galuteria, seconded by Senator Ige and carried, S.B. No. 170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 286, S.D. 1:

By unanimous consent, action on S.B. No. 286, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAPPORTIONMENT," was deferred until later in the calendar.

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

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 60, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 60, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VICTIMS OF CRIMES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 66, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 66, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 225, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 225, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 516, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 516, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PATERNITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 509:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 509, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RIGHTS OF CRIME VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1176, S.D. 1:

On motion by Senator Espero, seconded by Senator Baker and carried, S.B. No. 1176, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1272, S.D. 1:

On motion by Senator Hee, seconded by Senator Ige and carried, S.B. No. 1272, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 229, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 229, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPEACHMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 795, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 795, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FINANCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 654 (S.B. No. 137, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 654 was adopted and S.B. No. 137, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 655 (S.B. No. 722, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 655 was adopted and S.B. No. 722, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 656 (S.B. No. 1074, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 656 was adopted and S.B. No. 1074, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL THERAPY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 660 (S.B. No. 680, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 660 was adopted and S.B. No. 680, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELAND SECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 661 (S.B. No. 1118, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 661 was adopted and S.B. No. 1118, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 662 (S.B. No. 1170, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 662 was adopted and S.B. No. 1170, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENFORCEMENT OF VIOLATIONS BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 663 (S.B. No. 59, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 663 was adopted and S.B. No. 59, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CARE SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 664 (S.B. No. 305, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 664 was adopted and S.B. No. 305, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENT OF PUBLIC HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 665 (S.B. No. 312, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 665 was adopted and S.B. No. 312, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY SHERIFF DIVISION ENTERING INTO AGREEMENTS TO PROVIDE SECURITY AT PUBLIC HOUSING PROJECTS OPERATED BY THE PUBLIC HOUSING AUTHORITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 666 (S.B. No. 551, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 666 was adopted and S.B. No. 551, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO A MEMORIAL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 668 (S.B. No. 606, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 668 was adopted and S.B. No. 606, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 670 (S.B. No. 814, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 670 was adopted and S.B. No. 814, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LOW-INCOME PUBLIC HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 671 (S.B. No. 873, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 671 was adopted and S.B. No. 873, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF RESTITUTION FOR CRIME VICTIMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 672 (S.B. No. 961, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 672 was adopted and S.B. No. 961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION SHARING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 675 (S.B. No. 992, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 675 was adopted and S.B. No. 992, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK BIOSECURITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 676 (S.B. No. 1002, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 676 was adopted and S.B. No. 1002, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAPOLEI RECREATIONAL SPORTS COMPLEX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 686 (S.B. No. 1175):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 686 was adopted and S.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 687 (S.B. No. 1181, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 687 was adopted and S.B. No. 1181, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMITTED PERSONS ON FURLOUGH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 688 (S.B. No. 1141, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 688 was adopted and S.B. No. 1141, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FORENSIC MENTAL HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 691 (S.B. No. 3, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 691 was adopted and S.B. No. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 692 (S.B. No. 310, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 692 was adopted and S.B. No. 310, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 696 (S.B. No. 105, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 696 was adopted and S.B. No. 105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 697 (S.B. No. 199, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 697 was adopted and S.B. No. 199, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLORECTAL CANCER SCREENING PILOT PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 698 (S.B. No. 240, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 698 was adopted and S.B. No. 240, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 700 (S.B. No. 1073, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 700 was adopted and S.B. No. 1073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SERVICE CORPORATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 701 (S.B. No. 1124, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 701 was adopted and S.B. No. 1124, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIETITIAN LICENSURE SPECIAL FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 702 (S.B. No. 1139, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 702 was adopted and S.B. No. 1139, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOME VISITING PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 704 (S.B. No. 1261, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 704 was adopted and S.B. No. 1261, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR TAX LAW," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 705 (S.B. No. 1360, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 705 was adopted and S.B. No. 1360, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 706 (S.B. No. 1388, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 706 was adopted and S.B. No. 1388, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 707 (S.B. No. 358, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 707 was adopted and S.B. No. 358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 709 (S.B. No. 460, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 709 was adopted and S.B. No. 460, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR OKINAWAN STUDIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 710 (S.B. No. 500, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 710 was adopted and S.B. No. 500, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 713 (S.B. No. 803, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 713 was adopted and S.B. No. 803, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WATER," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 716 (S.B. No. 524, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 716 was adopted and S.B. No. 524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 717 (S.B. No. 624, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 717 was adopted and S.B. No. 624, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 718 (S.B. No. 815, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 718 was adopted and S.B. No. 815, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 720 (S.B. No. 697):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 720 was adopted and S.B. No. 697, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 721 (S.B. No. 868, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 721 was adopted and S.B. No. 868, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 722 (S.B. No. 998, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 722 was adopted and S.B. No. 998, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASHINGTON PLACE," having been read throughout,

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 725 (S.B. No. 1072, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 725 was adopted and S.B. No. 1072, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 730 (S.B. No. 1099, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 730 was adopted and S.B. No. 1099, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELIMINATING THE ASSET LIMIT ELIGIBILITY REQUIREMENT FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 731 (S.B. No. 1162, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 731 was adopted and S.B. No. 1162, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SHORELINE VEGETATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 732 (S.B. No. 337, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 732 was adopted and S.B. No. 337, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATEWIDE TRAFFIC CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 733 (S.B. No. 390, S.D. 2):

On motion by Senator Ige, seconded by Senator Tokuda and carried, Stand. Com. Rep. No. 733 was adopted and S.B. No. 390, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 734 (S.B. No. 479, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 734 was adopted and S.B. No. 479, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE MEMBERSHIP OF A METROPOLITAN PLANNING ORGANIZATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 735 (S.B. No. 527, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 735 was adopted and S.B. No. 527, S.D. 1, entitled: "A BILL FOR AN ACT RELATING

TO CANCER,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 736 (S.B. No. 571, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 736 was adopted and S.B. No. 571, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COUNTY SURCHARGE ON STATE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 737 (S.B. No. 573, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 737 was adopted and S.B. No. 573, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 739 (S.B. No. 678, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 739 was adopted and S.B. No. 678, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE PRESERVATION OF HAWAII’S MOVING IMAGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 740 (S.B. No. 1254, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 740 was adopted and S.B. No. 1254, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 741 (S.B. No. 1280, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 741 was adopted and S.B. No. 1280, S.D. 2, 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 Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 742 (S.B. No. 1336, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 742 was adopted and S.B. No. 1336, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 745 (S.B. No. 1340, S.D. 2):

On motion by Senator Ige, seconded by Senator Hee and carried, Stand. Com. Rep. No. 745 was adopted and S.B. No. 1340, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FOSTER CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 748 (S.B. No. 101):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 748 was adopted and S.B. No. 101, entitled: “A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 749 (S.B. No. 86):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 749 was adopted and S.B. No. 86, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 750 (S.B. No. 71, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 750 was adopted and S.B. No. 71, S.D. 2, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SAFETY PROGRAMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 751 (S.B. No. 381, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 751 was adopted and S.B. No. 381, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMPREHENSIVE PUBLIC FUNDING FOR ELECTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 752 (S.B. No. 380, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 752 was adopted and S.B. No. 380, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HIGHER EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 753 (S.B. No. 369, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 753 was adopted and S.B. No. 369, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VIDEOCONFERENCING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 755 (S.B. No. 239, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 755 was adopted and S.B. No. 239, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 756 (S.B. No. 210, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 756 was adopted and S.B. No. 210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF BICYCLES AND MOPEDS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 757 (S.B. No. 148, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 757 was adopted and S.B. No. 148, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 761 (S.B. No. 879, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 761 was adopted and S.B. No. 879, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 763 (S.B. No. 1042, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 763 was adopted and S.B. No. 1042, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 764 (S.B. No. 993, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 764 was adopted and S.B. No. 993, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 765 (S.B. No. 540):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 765 was adopted and S.B. No. 540, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 766 (S.B. No. 1385, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 766 was adopted and S.B. No. 1385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 767 (S.B. No. 1256, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 767 was adopted and S.B.

No. 1256, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 774 (S.B. No. 889, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 774 was adopted and S.B. No. 889, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 775 (S.B. No. 46, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 775 was adopted and S.B. No. 46, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 776 (S.B. No. 936, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 776 was adopted and S.B. No. 936, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL SUSTAINABILITY PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 780 (S.B. No. 1092, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 780 was adopted and S.B. No. 1092, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO RECAPITALIZE THE HURRICANE RESERVE TRUST FUND," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 781 (S.B. No. 511):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 781 was adopted and S.B. No. 511, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 4A," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 783 (S.B. No. 1083):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 783 was adopted and S.B. No. 1083, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 784 (S.B. No. 1040):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 784 was adopted and S.B. No. 1040, entitled: "A BILL FOR AN ACT RELATING TO

ELECTRIC SYSTEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 785 (S.B. No. 1235, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 785 was adopted and S.B. No. 1235, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CABLE TELEVISION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 789 (S.B. No. 1238, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 789 was adopted and S.B. No. 1238, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 790 (S.B. No. 598, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 790 was adopted and S.B. No. 598, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO CHECK CASHING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 791 (S.B. No. 458, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 791 was adopted and S.B. No. 458, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 796 (S.B. No. 1077, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 796 was adopted and S.B. No. 1077, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OWNER-BUILDER EXEMPTION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 797 (S.B. No. 1161, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 797 was adopted and S.B. No. 1161, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VESSELS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 798 (S.B. No. 1112):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 798 was adopted and S.B. No. 1112, entitled: “A BILL FOR AN ACT RELATING TO DELETING STATE PUBLIC HOUSING DELINQUENT ACCOUNTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 803 (S.B. No. 867, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 803 was adopted and S.B. No. 867, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 804 (S.B. No. 1010, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 804 was adopted and S.B. No. 1010, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LEGAL SERVICES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 806 (S.B. No. 666, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 806 was adopted and S.B. No. 666, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 814 (S.B. No. 106, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 814 was adopted and S.B. No. 106, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 815 (S.B. No. 391, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 815 was adopted and S.B. No. 391, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO YOUTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 821 (S.B. No. 974, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 821 was adopted and S.B. No. 974, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST AGRICULTURAL ENTERPRISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 822 (S.B. No. 750, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 822 was adopted and S.B. No. 750, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DIGITAL MEDIA INFRASTRUCTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.



Stand. Com. Rep. No. 824 (S.B. No. 456, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 824 was adopted and S.B. No. 456, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MAUNA KEA STATE RECREATIONAL AREA," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 825 (S.B. No. 457, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 825 was adopted and S.B. No. 457, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAPUNA BEACH PARK," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 97, S.D. 1:

Senator Ige moved that S.B. No. 97, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Ige then offered the following amendment (Floor Amendment No. 2) to S.B. No. 97, S.D. 1:

SECTION 1. Senate Bill No. 97, S.D. 1, is amended by amending subsection (a) of section 247-A, Hawaii Revised Statutes, contained in section 2 to read as follows:

"(a) Notwithstanding any provision to the contrary, the tax imposed by section 247-1 shall apply to the transfer or conveyance of an interest in realty located in the State as a result of the transfer or acquisition, or a series of transfers or acquisitions, including those combined with otherwise exempt transfers, by any person or entity, acting alone or in concert, within any twenty-four-month period, that result in the transfer of a controlling interest in an entity that holds an interest in realty that is located in the State and the transfer includes valuable consideration that alters the controlling interest or ownership of the realty; provided that this section shall not apply to:

- (1) Any transfer from a limited partner to a general partner of a limited partnership that owns an affordable rental housing project for which low-income housing tax credits have been issued under section 235-110.8 or 241-4.7 or section 42 of the Internal Revenue Code of 1986, as amended; or
- (2) Any transfer that consists solely of a change in controlling interest in an entity holding an interest in realty between persons with ownership interests in such entity for a minimum of three years immediately preceding the transfer."

Senator Ige moved that Floor Amendment No. 2 be adopted, seconded by Senator Kidani.

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

"During decision making on S.B. No. 97, we had announced that we would be including the amendment to exclude transactions between different parts of companies from the assessment of this conveyance tax; and in reviewing the measure that we decked, we noticed that this amendment was left off of the draft.

"This amendment reconciles the action taken by the committee with the committee report here, and the only amendment is to insert the language excluding a transaction internal to a company from taxation."

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

By unanimous consent, S.B. No. 97, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was placed on the calendar for Third Reading on Thursday, March 7, 2013.

Stand. Com. Rep. No. 607 (S.B. No. 563, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 607 be adopted and S.B. No. 563, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

At 9:45 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:45 a.m.

Senator Taniguchi then offered the following amendment (Floor Amendment No. 3) to S.B. No. 563, S.D. 2:

SECTION 1. Senate Bill No. 563, S.D. 2, is amended as follows:

1. By amending section 1, page 1, lines 12 through 16, to read:

"The purpose of this Act is to reconstitute the form and processes of the candidate advisory council to increase the appointment of qualified individuals to serve as members of the board of regents and effectively lead the University of Hawaii."

2. By amending section 2, page 3, line 20, through page 4, line 7, to read:

"(e) The candidate advisory council shall consist of seven members to be appointed without regard to section 26-34 as follows:

- (1) One member shall be appointed by the president of the senate;
- (2) One member shall be appointed by the speaker of the house of representatives; and
- (3) Five members shall be appointed by the governor;

provided that one member shall be a student of the university who has been enrolled as a full-time student for at least three consecutive semesters. The senate president, speaker of the house of representatives, and governor are encouraged to appoint university faculty and staff to the candidate advisory council."

3. By amending section 2, page 4, lines 16 through 18, to read:

"(f) Each member of the candidate advisory council shall serve for the duration of the term of the person by whom the member was appointed."

4. By amending section 5 to read:

"SECTION 5. The members of the candidate advisory council for the board of regents of the University of Hawaii who are serving on the effective date of this Act shall serve until the council is reconstituted by the appointment of the seven members to the council pursuant to this Act, at which time the members of the regents candidate advisory council who are serving on the effective date of this Act shall be discharged from office and the members appointed by the president of the senate, speaker of the house of representatives, and governor pursuant to this Act shall begin their service. The president of the senate, speaker of the house of representatives, and governor shall appoint the requisite number of members to the council no later than days after the effective date of this Act."

Senator Taniguchi moved that Floor Amendment No. 3 be adopted, seconded by Senator Ige.

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

“Madam President, the amendment would do two substantive things: one is to reinsert the appointments by the Senate President and by the Speaker of the House to the council, as well as to eliminate the ex-officio, non-voting, most recent regent emeritus from the council.”

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

Senator Taniguchi then moved that Stand. Com. Rep. No. 607 be received and placed on file, seconded by Senator Ige and carried.

By unanimous consent, S.B. No. 563, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,” was placed on the calendar for Third Reading on Thursday, March 7, 2013.

S.B. No. 1289, S.D. 1:

Senator Ige moved that S.B. No. 1289, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Ige then offered the following amendment (Floor Amendment No. 4) to S.B. No. 1289, S.D. 1:

SECTION 1. Senate Bill No. 1289, S.D. 1, is amended by amending subsection (a) of the new section being added to chapter 231, Hawaii Revised Statutes, contained in Section 1, to read as follows:

“(a) Any payor engaged in a trade or business and making a payment, other than wages, in the course of the payor’s trade or business to another person, corporation, partnership, association, or limited liability company, that is valued at \$600 or more in any taxable year for the receipt of construction services, including any payment for materials, equipment, or both associated with the construction services, shall submit a report of the aggregate payments made to each provider of construction services, to the department in a manner prescribed by the department, including but not limited to mandatory electronic filing of the report; provided that the report specifies:

- (1) The name, address, and tax identification number of the payor;
- (2) The name, address, and tax identification number of the provider of construction services;
- (3) The total amount that the payor paid to the provider of construction services in the taxable year; and
- (4) Any other information that the department shall require by rule.”

SECTION 2. Senate Bill No. 1289, S.D. 1, is amended by amending Section 3 to read as follows:

“SECTION 3. This Act, upon its approval, shall apply to taxable years beginning after December 31, 2013.”

Senator Ige moved that Floor Amendment No. 4 be adopted, seconded by Senator Kidani.

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

“The purpose of this floor amendment is to reconcile the actual draft before us with the action announced at decision making. This floor amendment actually has two amendments. The second one I’ll start with is the simpler one: It’s just correcting the effective date to be upon approval and applying to taxable years beginning December 31, 2013. During decision

making, we had announced that we would not be inserting a defective date. Unfortunately, the draft that was decked had a defective effective date.

“The first part of this bill just adds clarifying language. The proponents wanted to make clear that payments to construction contractors purely for equipment and materials should not be included in the totals reported. So, the first section of this just makes it clear if a construction services contractor has an invoice purely for materials and equipment that those shouldn’t be included in the amounts reported.”

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

By unanimous consent, S.B. No. 1289, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” was placed on the calendar for Third Reading on Thursday, March 7, 2013.

Stand. Com. Rep. No. 690 (S.B. No. 215, S.D. 2):

Senator Tokuda moved that Stand. Com. Rep. No. 690 be adopted and S.B. No. 215, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Dela Cruz then offered the following amendment (Floor Amendment No. 5) to S.B. No. 215, S.D. 2:

SECTION 1. Senate Bill No. 215, S.D. 2, section 1, is amended by deleting subsection (e) of the proposed new section -5, Hawaii Revised Statutes, on page 8, lines 9 through 12.

SECTION 2. Senate Bill No. 215, S.D.2, is amended by amending section 4 to read as follows:

“SECTION 4. The public-private partnership authority shall neither plan nor implement any projects other than the pilot projects nor enter into any agreements or contracts related to the planning or implementation of any projects other than the pilot projects identified in this part.”

Senator Dela Cruz moved that Floor Amendment No. 5 be adopted, seconded by Senator Slom.

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

“There are two changes to the bill. The first section removes the county waiver. The second amendment is to make it explicitly clear that there are only three pilot projects.”

The motion to adopt Floor Amendment No. 5 was put by the Chair and carried.

Senator Dela Cruz then moved that Stand. Com. Rep. No. 690 be received and placed on file, seconded by Senator Slom and carried.

By unanimous consent, S.B. No. 215, S.D. 3, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” was placed on the calendar for Third Reading on Thursday, March 7, 2013.

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

Senator Espero moved that S.B. No. 682, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Baker.

Senator Espero then offered the following amendment (Floor Amendment No. 6) to S.B. No. 682, S.D. 1:

SECTION 1. Senate Bill No. 682, S.D. 1 is amended by amending the effective date to January 1, 2050, and to read as follows:

“SECTION 3. This Act shall take effect on January 1, 2050.”

Senator Espero moved that Floor Amendment No. 6 be adopted, seconded by Senator Baker.

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

“This measure has to do with fire protection and the authority of the fire chief. We are just defecting the date. Thank you.”

The motion to adopt Floor Amendment No. 6 was put by the Chair and carried.

By unanimous consent, S.B. No. 682, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO FIRE PROTECTION,” was placed on the calendar for Third Reading on Thursday, March 7, 2013.

At 9:51 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:54 a.m.

Stand. Com. Rep. No. 657 (S.B. No. 1109, S.D. 2):

By unanimous consent, action on Stand. Com. Rep. No. 657 and S.B. No. 1109, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOSPITAL STANDARDS FOR SEXUAL ASSAULT VICTIMS,” was deferred until later on the calendar.

S.B. No. 223, S.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S.B. No. 223, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTIONS,” was recommitted to the Committee on Judiciary and Labor.

S.B. No. 478, S.D. 1:

On motion by Senator Espero, seconded by Senator Slom and carried, S.B. No. 478, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO RESIDENCY REQUIREMENTS FOR MEMBERS OF THE LEGISLATURE,” was recommitted to the Committee on Judiciary and Labor.

### THIRD READING

#### MATTERS DEFERRED FROM FRIDAY, MARCH 1, 2013

S.B. No. 238:

Senator Tokuda moved that S.B. No. 238, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Thielen rose to request that written remarks in support of the measure with reservations be entered in the Journal, and the Chair so ordered.

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

“I support requiring schools to meet minimum instructional hours for students. My concern is if we loosen the definition of instructional hours, it will water down the intent of the law, and some schools will not provide students with a minimum of meaningful instructional time. We are a single statewide school district with a single statewide contract. It is unclear how we can have such a wide disparity between instructional hours among our high schools – up to 200 hours difference per student per year. I support allowing some flexibility between schools, especially schools where the students are achieving a

high level of performance. But I have reservations at a wholesale broadening of the definition of what constitutes ‘instruction,’ which may come at the expense of our students in lower-performing schools or who are being shortchanged in their instruction at some of our high schools.”

The motion was put by the Chair and carried, S.B. No. 238, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Baker, Green, Hee, Ige, Keith-Agaran, Nishihara, Ruderman, Shimabukuro, Solomon, Taniguchi, Thielen). Noes, none.

S.B. No. 727:

Senator Espero moved that S.B. No. 727, having been read throughout, pass Third Reading, seconded by Senator Baker.

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

“Thank you, Madam Chair. I’ll be voting ‘no’ on this bill. I think the bill is unnecessary. The law already prohibits the counties from intervening in federal or state regulations, but the counties can regulate for health and safety. We rely on them to regulate for ocean safety for our residents and visitors, and for our fire and building codes. So, banning them from regulating in areas of health and safety is unwise, and I do not support the bill. Thank you.”

The motion was put by the Chair and carried, S.B. No. 727, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Baker, English, Ige, Ihara, Keith-Agaran, Ruderman, Solomon). Noes, 1 (Thielen).

S.B. No. 2:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 2, entitled: “A BILL FOR AN ACT RELATING TO SIMULATED FIREARMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 775:

Senator Wakai moved that S.B. No. 775, having been read throughout, pass Third Reading, seconded by Senator Nishihara.

At 9:58 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:58 a.m.

The motion was put by the Chair and carried, S.B. No. 775, entitled: “A BILL FOR AN ACT RELATING TO STATE LAND MAMMAL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 17; Ayes with Reservations (Espero, Kidani). Noes, 8 (Baker, English, Galuteria, Green, Hee, Kaehe, Solomon, Taniguchi).

Stand. Com. Rep. No. 511 (S.B. No. 642):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 511 was adopted and S.B. No. 642, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 513 (S.B. No. 891):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 513 was adopted and S.B. No. 891, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 528 (S.B. No. 4):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 528 was adopted and S.B. No. 4, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 531 (S.B. No. 1179, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 531 was adopted and S.B. No. 1179, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT ORDERS TO PROVIDE MEDICAL TREATMENT FOR INMATES AND DETAINEES IN CORRECTIONAL FACILITIES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 535 (S.B. No. 960, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 535 was adopted and S.B. No. 960, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 10:01 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:02 a.m.

### THIRD READING

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 657 (S.B. No. 1109, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 657 be adopted and S.B. No. 1109, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Slom then offered the following amendment (Floor Amendment No. 7) to S.B. No. 1109, S.D. 2:

SECTION 1. S.B. No. 1109, S.D. 2, is amended as follows:

1. By adding a new section to Section 2 of the bill to read:

"§321-D **Religious exemption.** Notwithstanding any of the above, a hospital shall be granted a full exemption to the requirements in this part if to do so would violate its religious convictions. A hospital is eligible for this exemption if it satisfies the following four criteria:

- (1) Opposes emergency contraception because of religious objections;
- (2) Is organized and operated as a nonprofit entity;

- (3) Holds itself out as a religious organization or is affiliated with a religious denomination; and
- (4) Self-certifies that it meets these criteria."

2. By amending the section designation of the new section entitled "§321-D Rules." contained in Section 2 of the bill to read "§321-E Rules."

Senator Slom moved that Floor Amendment No. 7 be adopted, seconded by Senator Gabbard.

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

"This amendment basically would do what we have talked about for years, and that is to grant exception to those hospitals that qualify on religious convictions. Thank you."

At 10:04 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:05 a.m.

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

"Colleagues, this amendment would allow for hospitals a religious exemption if they did not want to provide emergency contraception in the case of rape. So, very specifically, a woman gets raped; it's the worst day in her life for sure. And the hospital that she gets taken to because of proximity – by the ambulance or by her relatives – if this amendment were to pass, would be able to refuse her emergency contraception. She could end up pregnant, for God's sake. There's no circumstance in this world that a woman should end up pregnant from a rape. No hospital – and this is coming from a physician, a husband, a father of a daughter – should ever be allowed to refuse a woman emergency contraception if she's been raped.

"Please vote down this amendment. I empathize with the provider if they don't want to perform an abortion or to do any other service, but no hospital has the right to categorically deny a woman who's been raped the care she needs. In medicine, it's important that all patients have all options. A patient could choose not to take medicine, but the hospital must offer it.

"I would add also that all of our hospitals in this state receive public money – all of them – through the Affordable Care Act, through our insurance policies, through our plans, through the sustainability acts we've been passing.

"Members, please vote 'no' on this amendment. I'm sympathetic to people's religious beliefs: I'm part Catholic, part Russian Orthodox, contrary to what anybody might believe. I'm half Jewish, I'm married to a Mormon. But for God's sake, please make sure everyone gets all the health care options that they might need, especially in this most dire situation. Thank you."

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

"I, too, rise in opposition, and I would like to support the remarks of the senator from the Big Island as though they were my own. Thank you."

Senator Slom rose in rebuttal as follows:

"I think it's interesting that we so cavalierly trample over First Amendment rights and also religious rights; and particularly in this body, that has always seemed to be so concerned about separation of church and state, and here is the question of the state trampling religious rights. And interesting that it was brought up about the 'Obamacare,' the Affordable Care Act, because in the Affordable Care Act there is such a religious exemption granted to both individuals and institutions.

And several of the institutions in this state have very clear and well-defined religious beliefs, which they have practiced for a long period of time.

“And finally when we talk about right to choice, or right to choose, we should give that right equally to individuals and institutions as well. So, I urge passage of this floor amendment, and I request a Roll Call vote. Thank you.” (The Chair so ordered.)

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

“Madam President, colleagues, this is not about choice. This is not about religious freedom. This is about applying the standard of care which even the Catholic Bishops’ Conference nationwide has acknowledged is important for a young woman, an old woman, a middle-aged woman who may be the victim of rape. This is about compassionate care. It’s about the standard of care. It doesn’t force anyone to have to take the care, but they need to be given the options.

“And I would also note, for the first time the Healthcare Association of Hawaii, which is our hospital association, has come out in support of the measure that is on the floor – not the floor amendment. I urge all of my colleagues to join all of us in making sure that every woman in the state has the opportunity for compassionate care if they are the victim of rape. Mahalo.”

Senator Kidani rose to request that the remarks of the previous speaker be entered into the Journal as if they were her own, and the Chair so ordered (by reference only).

The motion to adopt Floor Amendment No. 7 was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 2. Noes, 23 (Baker, Chun Oakland, Dela Cruz, English, Espero, Galuteria, Green, Hee, Ige, Ihara, Kahele, Keith-Agaran, Kidani, Kim, Kouchi, Nishihara, Ruderman, Shimabukuro, Solomon, Taniguchi, Thielen, Tokuda, Wakai).

Senator Solomon noted:

“I just would like to move for reconsideration on your behalf for my remarks. I was reminded by my colleague across the floor that – although I adopted his remarks – to say that I am not half Jewish, and I am not a half Catholic, and I am not married to a Mormon. Thank you very much.”

The motion was then put by the Chair and carried, Stand. Com. Rep. No. 657 was adopted and S.B. No. 1109, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOSPITAL STANDARDS FOR SEXUAL ASSAULT VICTIMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### THIRD READING

#### MATTERS DEFERRED FROM FRIDAY, MARCH 1, 2013

S.B. No. 84:

On motion by Senator Chun Oakland, seconded by Senator Green and carried, S.B. No. 84, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 565 (S.B. No. 1233):

Senator Hee moved that Stand. Com. Rep. No. 565 be adopted and S.B. No. 1233, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“Small businesses are very flexible; small businesses are understanding and compassionate. They give time off to employees, but to add yet another mandate to employers and force them to give time off, and also to create yet another new litigious cause of action is not in the best interests of our business climate, our economy, or small businesses. Thank you.”

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

“The reason for this bill is really to encourage people to actually participate in organ donation and bone marrow donation. Right now, there is a severe shortage of access, especially to bone marrow matches. A lot of children end up with leukemia, and the truth is it’s not going to hurt any small business because I do know that the small businesses are generous with their individuals and their time. But we need to send a message to everyone that this is one of the greatest gifts of life that they can offer to save people from many malignancies. So, that’s why I am in support of this measure.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 565 was adopted and S.B. No. 1233, entitled: “A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

### THIRD READING

S.B. No. 1193, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1193, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SECTION 237-24.3, HAWAII REVISED STATUTES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 948, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 948, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TAXATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1043, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1043, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ELECTRICITY PRODUCERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 893, S.D. 1:

Senator Hee moved that S.B. No. 893, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“This bill seems to be a bill crafted for one individual. It also has retroactivity in the bill, and it seems to shield individuals who serve on panels, task forces, boards and commissions. The argument was that if we required disclosure that people will not want to serve on these boards and commissions. I think it’s important that we encourage people because they are volunteers to be on these boards and commissions. But we talk about transparency and we talk about ethics, and the ethical thing to do is make sure that all information is available to the public. Thank you.”

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

“I have some written remarks that I’d like inserted into the Journal. However, I think it’s important now to state for the record that based on the excellent opinion from our majority attorney, the views of the executive director of the Ethics Commission have been thoroughly refuted. The matter in question came from a lawfully created task force the Legislature requested be convened to help guide us with various mortgage foreclosure issues. We need people from the public with expertise to craft policy solutions to then come before the Legislature to be debated and acted upon. The Ethics Commission ED’s position is especially troubling in this instance because when the Legislature asks members of the public to serve and provide their expertise on very complicated matters, those public members should be able to provide perspective no matter who their employer is.

“And I would just note on this particular matter with the Mortgage Foreclosure Task Force some of the recommendations from some of the industry representatives were not advanced by the Legislature and did not appear in the final bill which became law. In my view, this matter ought to be moot. But because the executive director continues to try to go after people, I think this measure is necessary. Madam President, I would also ask if I may be allowed to insert the opinion of our majority attorney on this particular matter which explains very clearly why members of task forces are not state employees.”

The Chair having so ordered, the majority attorney’s opinion is identified as “**ATTACHMENT A**” to the Journal of this day.

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

“Madam President, I rise in support of SB 893, SD1.

“SB893, SD1, Relating to Ethics, exempts members and designee or representatives of members of task forces that existed on or after 06/03/10 from certain provisions of the code of ethics, specifically from being considered state employees. These exemptions do not in any way conflict with current laws and are necessary to ensure that qualified individuals will not be discouraged from serving on task forces. In the 2012 Legislative Session, Act 208 was passed but did not apply retroactively to those who had previously served on task forces before or on June 3, 2010. SB893, SD1 is necessary to protect those task force members who dutifully served on or before June 3, 2010. The Legislature owes these task force members this equal protection.

“Individuals who are selected or invited to serve on a task force are not nominated, appointed, or elected to their positions. They are not hired by the State and are not compensated for their service. They are not considered members of boards, commissions, or committees with regulatory or decision-making authority, because such task forces are solely and strictly advisory. Legislators create laws not the task force

members. Task forces do not have regulatory powers, do not make policy, and its members are not appointed by the Governor nor are they confirmed by the Senate. There is no employee-employer relationship between the State and members of legislatively created task forces, as task forces do not act on behalf of or bind the State in any manner and do not perform adjudicatory or decision-making actions. The Legislature is not required to take any of the task force recommendations and has a final say in on any measures that may emanate from a task force.

“SB 893, SD1 provides the necessary exemptions to ensure that qualified individuals are not discouraged from serving on task forces. Our legislative task forces should attract members who are experts in a particular area, many of those we would consider experts work directly in the field. This experience is a clear benefit to the State in its decision-making process. Task force members serve in other professional capacities that may conflict with the current code of ethics if no exemptions exist under the current statute making it less likely for individuals with valued expertise from serving on such legislatively-created bodies. We need to protect those that have served on boards previously so that they aren’t hurt by the statute of limitations of six years under section 84-31 (a) (6), Hawaii Revised Statutes. By making the bill retroactive we are able to protect the members of the Mortgage Foreclosure Task Force as well as other task forces established prior to the enactment of Act 208 on July 3, 2012, who may still be in jeopardy of being found in violation of the Ethics Code based on the Commission’s May 2011 interpretation and application of Section 84-14, Hawaii Revised Statutes.

“Please join me in supporting SB 893, SD1.”

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

“I would like to insert into the Journal, with your permission, a letter dated February 14, 2013, from Daniel J. Mollway, Esq. regarding S.B. No. 893, Relating to Ethics.”

(The Chair having so ordered, the letter is identified as “**ATTACHMENT B**” to the Journal of this day.)

“I would like to read a part of the letter I referred to. It’s on page 9 and it’s entitled, ‘Improper accusation: the claim that the law is being changed for one person.’

To say that the Legislature is changing the law for one person is essentially accusing the entire Legislature of corruption. It is saying that the Legislature will allow **all future** task force members and **all past** task force members (there could be hundreds) to violate the State Ethics Code just to save one “friend”. This is patently absurd.

**The need for retroactivity because of the Commission’s statute of limitations.** Act 208 should have been made retroactive, and this retroactivity should take into account the Commission’s six-year statute of limitations. While Mr. Kondo contends only one person is affected by S.B. No. 893, this is not true. There could be many task forces that have been created by the various branches of state government, or working groups that might be considered task forces.

Mr. Kondo contends that **all** members of the Mortgage Foreclosure Task Force but one complied with his directive. **This is impossible for him to say.** HRS section 84-14(d) bars “assistance” for pay, and this can take place without the Commission’s knowledge. A task force member can go back to his or her company and brief them on how to testify on bills, or how to lobby on a matter. “Assistance-type” violations of HRS

section 84-14(d) are basically learned of by the Commission by accident or through whistleblowers. Mr. Kondo cannot know how many task force members or work group members may have existed and are still subject to HRS section 84-14(d). Such task force members could unknowingly violate the law, as interpreted by Mr. Kondo.

There would be nothing improper with setting a retroactive date that ensures that former task force members are not in jeopardy. This retroactive date could be January 1, 2004, since once the Mortgage Foreclosure Task Force met, its members could be subject to charges by the Commission or charges brought by members of the public, or legislators who believe Mr. Kondo's interpretation of HRS section 84-14(d) is correct.

To my mind, there would be nothing improper with setting the retroactive date to January 1, 2000, to give everyone piece of mind.

"Thank you."

The motion was put by the Chair and carried, S.B. No. 893, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Thielen). Noes, 2 (Ihara, Slom).

S.B. No. 535, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 535, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 68, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 68, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 98, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 98, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1174, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1174, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE OPERATIONS OF THE OFFICE OF THE LIEUTENANT GOVERNOR," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

Senator Ige moved that S.B. No. 1184, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Every year we go through this exercise and we call this conformity, and it's not conformity. Conformity means that we adopt the changes and we apply them to the Hawai'i taxation law. We don't do that. We pick and choose, and we pick the favorable tax provisions – favorable to the state government to extract more taxes. For example, every year you've heard me stand up and say that the personal exemption granted to Hawai'i taxpayers is one-third that of the federal. Well, that still remains, and other favorable business and investment changes that were made to the IRS have not been adopted to the state.

"So, if we want to talk about making changes, we should do that. If we talk about conformity, this is not conformity. And I asked several weeks ago for the Department of Taxation to provide a side-by-side, line-by-line summary of what the changes are; I'm still waiting to see those. Thank you."

The motion was put by the Chair and carried, S.B. No. 1184, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 519 (S.B. No. 1100, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 519 was adopted and S.B. No. 1100, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL ASSISTANCE PROGRAM," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 525 (S.B. No. 652, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 525 was adopted and S.B. No. 652, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 512, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 512, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICAL CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

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

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 827, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 482, S.D. 1:

On motion by Senator Nishihara, seconded by Senator Green and carried, S.B. No. 482, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read

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

Ayes, 23. Noes, 2 (Hee, Taniguchi).

S.B. No. 1293, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1293, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1258, S.D. 1:

On motion by Senator Baker, seconded by Senator Galuteria and carried, S.B. No. 1258, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE APPRAISERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Keith-Agaran). Noes, none.

S.B. No. 188, S.D. 2:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 188, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1196, S.D. 1:

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 1196, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CASH ECONOMY ENFORCEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Thielen). Noes, 2 (Ruderman, Slom).

Stand. Com. Rep. No. 567 (S.B. No. 945, S.D. 2):

On motion by Senator Baker, seconded by Senator Galuteria and carried, Stand. Com. Rep. No. 567 was adopted and S.B. No. 945, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 571 (S.B. No. 345, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 571 was adopted and S.B. No. 345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PORTABLE ELECTRONICS INSURANCE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 577 (S.B. No. 1357, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 577 was adopted and S.B. No. 1357, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 578 (S.B. No. 1337, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 578 was adopted and S.B. No. 1337, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH WELLNESS PROGRAMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 583 (S.B. No. 654, S.D. 1):

Senator Baker moved that Stand. Com. Rep. No. 583 be adopted and S.B. No. 654, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Galuteria.

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

"This is one of, I think, three bills that add additional mandates to health insurance. And while I'm all for tobacco cessation and the other mandates that are coming, to force people to pay for all of this and every premium is one of the reasons that our health premiums continue to increase. Thank you."

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

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

"Madam President, I rise in support of SB654 SD1.

"This measure requires that health insurance providers cover tobacco cessation treatment in every plan, as well as requires insurers to provide policyholders or subscribers information about tobacco cessation treatment coverage.

"The Commerce and Consumer Protection Committee found that cigarette smoking is the leading cause of preventable disease and preventable death in the United States. In Hawaii, tobacco use claims 1,100 lives each year and creates \$360 million in annual health care costs. By requiring tobacco cessation treatment to be covered not only will we be able to assist smokers who want to quit smoking but we will be able to lower the future healthcare costs of those individuals as well.

"The Department of Health testified that most smokers want to quit smoking and that insurance coverage of these treatments increases the likelihood that a person will succeed in those efforts. Furthermore, the Department of Health testified that according to the U.S. Public Health Services Clinical Practice Guideline on Treating Tobacco Use and Dependence:

- 1) Tobacco cessation treatments help people quit smoking;
- 2) Participation rates for treatment programs are higher when there is no cost-sharing;
- 3) Combining counseling with tobacco cessation medications is more effective than using one type of treatment alone; and
- 4) Quit rates are higher when health insurance covers tobacco cessation treatments.

"Based on these findings and the support of the Coalition for a Tobacco Free Hawaii, I recommend, on behalf of the Committee on Commerce and Consumer Protection that this measure pass third reading. It will save lives because it will help smokers end their addictions by improving access to smoking cessation treatment programs. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 583 was adopted and S.B. No. 654, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH



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

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 586 (S.B. No. 1275, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 586 was adopted and S.B. No. 1275, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE KAHOLAWE ISLAND RESERVE COMMISSION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 589 (S.B. No. 1131, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 589 was adopted and S.B. No. 1131, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RECYCLING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 590 (S.B. No. 1101, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 590 be adopted and S.B. No. 1101, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“This bill creates yet another new special fund. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 590 was adopted and S.B. No. 1101, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE INTERIM ASSISTANCE REIMBURSEMENT SPECIAL FUND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 591 (S.B. No. 1093, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 591 be adopted and S.B. No. 1093, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Thielen requested that written remarks in support of the measure with reservations be entered into the Journal, and the Chair so ordered.

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

“Madam President, I rise to express support, but with some reservations, on SB 1093, SSCR 591 and on SB 1095, SSCR 727.

“I support early childhood education. I applaud the Administration and this Legislature for moving this effort forward. I respect the many groups who have dedicated much time on the many important policy decisions that we need to make. However, I feel compelled to express two concerns as we move this discussion forward this session.

“First, we need to make sure that we do not make changes in our existing early childhood education network that will make it more difficult for the small businesses that operate these schools. Our state is blessed with many wonderful and long-standing private early childhood education providers. In fact, my two daughters went to the same wonderful early learning

school as my younger brother. None of us want to see such important partners in this effort negatively impacted, and I know the ongoing discussion will take this into consideration.

“Second, our Department of Education is tackling the herculean job of improving our K-12 student achievement, including creating and implementing new systemic changes affecting teachers and principals. At the same time, they are addressing operational concerns with bus and food service; operating, repairing and maintaining 256 public schools on 7 islands. In short, they are changing the tires on an express bus at full speed.

“All of us want the DOE to succeed in these efforts. The Legislature has been mindful about diverting the DOE with additional tasks to keep their focus on the essential improvements they are undertaking.

“I encourage the discussion going forward to continue examination of the best location for an early childhood program so that it can support partnership with the private sector, without diverting attention from the well-deserving K-12 students. Thank you.”

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

“Again, Madam President, I rise in opposition to the bill because it creates the interim assistance reimbursement special fund.”

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

“Colleagues, this is the first of three early learning measures before us today and perhaps the most foundational in that it focuses on school readiness and ensures that we will be in a position to better meet the needs of our late-born children through this program, when junior kindergarten sunsets in the 2014-15 school year. Through the Executive Office on Early Learning that was established by us last year, our school readiness program will maintain standards of care for eligible providers, and focus on ensuring the greatest range of access and assistance for our families.

“Passage of this measure puts us in a good position for the hopeful adoption of a constitutional amendment that will allow us to build upon the foundation that this school readiness program creates, and puts into place a solid early learning system developed through best practice and the strength of public-private partnerships.

“While there are those who would argue that we should instead focus on K-12 – that we need to improve on outcomes in this area first – I would assert that their objection is in fact the solution. If we truly want to strengthen our K-12 pipeline, then we need to make sure that our children are ready to learn when they enter our schools. We are only 1 of 11 states in the country without a publicly funded early learning system. Let’s make 2013 the year we join the majority of states to support our youngest of keiki with access to opportunities that prepare them for school, and later, college, career, and life. Thank you very much, and I strongly encourage you to vote to support this measure as it moves forward.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 591 was adopted and S.B. No. 1093, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO SCHOOL READINESS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Thielen). Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 592 (S.B. No. 1057, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 592 be adopted and S.B. No. 1057, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Madam President, we have about a dozen bills coming up all dealing with collective bargaining, all dealing with increasing salaries or additional costs at a time when our economy is so troubled, at a time when so many of our friends and neighbors in the community are struggling, at a time when small businesses are having a very difficult time. And yet, we call on these people to support collective bargaining increases for public employees. We just can’t sustain that. We can’t explain that. It’s not right, and I’ll be voting ‘no’ on all of these bills. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 592 was adopted and S.B. No. 1057, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EMPLOYER UNION HEALTH BENEFITS TRUST FUND CONTRIBUTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 599 (S.B. No. 495, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 599 was adopted and S.B. No. 495, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO INSURANCE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 600 (S.B. No. 237, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 600 be adopted and S.B. No. 237, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Thank you, Madam President. I have reservations about this bill and I’d like to explain them.

“Up until now, the Department of Education has relied upon the Department of Land and Natural Resources to do any leases, sales, or easements for land. The way the Department of Land and Natural Resources manages these lands is governed very strictly under chapter 171. Public leases must be done through public auction and public bidding and notice. This bill, with the way it’s crafted right now, exempts these pilot projects from chapter 171-13, and then also section 302A-1151. As best I could tell from reading these provisions, what it means is that the Department of Education would then have the authority to enter into long-term leases for these lands but would not be governed by any law regulating public auction, or how it enters into discussions with developers for those leases.

“I have asked questions about why these exemptions are necessary. I hope these questions are answered in the bill as it moves forward, because I do understand that we need funds to improve our schools. But we also need to be cautious about how we engage in long-term leasing of public lands.

“The other concern that I have with the bill is it requires the Board of Education to ‘foster school and community participation’ in the selection of the two sites in the pilot project, but it doesn’t provide any definition of what that means. At a minimum, we need to be adding provisions in here

that would govern the long-term leasing of public lands so it’s done in a public and cautious manner, and to also provide some more detail about the engagement of the schools, the parents, and the communities in the selection of pilot projects. Thank you very much.”

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

“Colleagues, originally I called this the ‘Lieutenant Governor Shan Tsutsui Needs Something To Do’ bill, but in all seriousness – and especially since he or his staff is probably watching this measure – S.B. No. 237 is actually the Senate’s response as to how we can maximize the use of our public school lands and facilities to update and build twenty-first century schools for the benefit of our students, teachers, and all of our communities.

“While a few legislative approaches have been considered over the past two years, we have been working on these initiatives since well into 2011 – actually probably 2010. Your committee has decided to take a very prudent, cautious approach in the development of school lands, and authorize a limited two site pilot program that includes a three-year sunset and multiple requirements for reporting and extensive community engagement.

“I would also like to note, and just respond to the previous speaker, that while we have exempted them from going through the Board of Land and Natural Resources’ leasing requirements, I’m sure that given that we have authorized the lieutenant governor to facilitate this program that that can be something that we take a look at in terms of having them work with the Department of Education to actually be the one to engage with those leases. I know in the past there have been difficulties between the Department of Land and Natural Resources and the Department of Education to even work together for various land transactions or gifting, and I think that was the initial reason why authority over leasing had been given to the Department of Education, because when we had multiple agencies working together, we have had difficulties coordinating particular issues. But as this moves forward, we can perhaps look at moving that authority back to the Board of Land and Natural Resources in terms of having them work on those particular two site leases.

“Again, I want to reiterate – this is a very prudent approach. We are only looking at two sites over the next three years. This is a proof of concept; we want to see how this will work, again, really to make sure that we can look at benefiting all of our students. We know this for sure: the money that we put into our CIP budgets every year for repair and maintenance and capital improvements will not get us to the mark. It will not get us to that point where we can provide the twenty-first century schools that our children deserve. The only way we can do this is by increasing revenue, and we need to be creative and think out-of-the-box. So, we’re going to start by looking at a very prudent piloted approach, and this is the approach the Senate Committee on Education is putting forth for your consideration; and I humbly ask for your support in moving this forward, and hopefully we can pass something through this year so that we can get started do something. Thank you.”

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

“I’d like to speak in support of our chairwoman in Education. I think that this is a measure that would propel us into the future, and I’m looking forward to how these pilot projects would work; and I feel that the school properties that would most benefit from this new agenda would be those on the neighbor islands. We have many school properties that are celebrating their 100th and 125th birthdays, and our thoughts

are if we are looking for our future so that our students can compete in a global economy that requires high tech vision, infrastructure is the key to their success.

“So with that, Madam Chairman, please note that I will be voting ‘yes’ and I encourage all my colleagues to do the same. Thank you.”

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

“I guess my concern is that, potentially, a school in my district may be impacted, and that I think we are concerned that at the school, it has been expressed to me that they do not wish this to happen to them as a pilot or in the future, so I’ll be voting in opposition. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 600 was adopted and S.B. No. 237, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC SCHOOL LANDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Slom, Thielen). Noes, 2 (Green, Taniguchi).

Stand. Com. Rep. No. 604 (S.B. No. 655, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 604 be adopted and S.B. No. 655, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Galuteria.

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

“This bill goes by various titles; this could be the ‘Memorial Chlamydia’ bill, or I like the words ‘Expedited Partner Therapy.’ Now, what does that really mean?”

“Well, as the hearing showed, there is great concern about the transmission of the sexually transmitted disease chlamydia, and also gonorrhea. So, the fix that’s proposed in this bill is to require anyone that’s diagnosed with that to give up a list of partners, in which case then a health professional will prescribe medicine for those partners. Now, it’s really interesting because there’s no physical exam that is required; no one gets to look at the partner. And in fact, there might even be a situation where names were given up that really were not involved.

“In any event, this does have the government prescribing medicine. It does raise the issue of liability, and I think the bill attempts to exempt people from any liability. There is no real discussion of who’s going to pay for these additional medicines, and what happens if there are unintended consequences.

“And finally, Madam President, I find it ironic that the bill only pertains to forcing this treatment on heterosexual individuals. I thought we stood for equality in this building here and I thought everyone was supposed to be treated equally, but not according to this bill. Thank you.”

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

“All right, it’s time for a reality check, Madam President, so I stand in support of this bill. What really goes on (this is the medical ‘deal’, okay): Someone comes in with an STD, chlamydia or gonorrhea, which are the common ones. A man comes in; he’s seen in my ER, or my clinic, or across the state. He’s got the infection. You can treat it with just a basic antibiotic; it’s very simple. His insurance pays for it. If, however, you don’t prescribe treatment for his significant other – and this of course can be reversed; a woman comes into the clinic and you don’t prescribe medication for her significant other – then the infection will persist in that couple. It’ll come

back; we’ll have additional costs and additional problems. Worse still, if you don’t prescribe an antibiotic for, say, a partner, and someone doesn’t come clean about having had that infection, a woman will have a persistent infection, will end up with scarring of her fallopian tubes, and then have infertility, which will result in incredible costs. It could result in an incredibly worse infection if it’s not caught early.

“So, everything about this bill is meant to be compassionate to someone. It’s not about government paying for or giving out care; that, of course, has nothing to do with this bill. What it really has to do with is getting people care; and believe me, patients want this. They want to not have to go and spend a day away from work. They want a quick antibiotic; a one- or two-day generic antibiotic – it’ll cost a couple bucks – rather than very severe complications, or no clarity in their relationship, or actually life-changing consequences from infertility. So, in every way this is about a practical solution that really is much more fair to those individuals who might not otherwise get treatment.

“So, this expedites treatment; and the reasons that the ‘it was specified for heterosexual patients’ comments can be taken up by others more specifically but mainly because more advanced treatments such as intravenous treatments aren’t involved in this bill because obviously just a prescription would just be for a basic couple tablets.

“So really, members, this is about getting people better care. It’s not about a record of sexual contact. It’s not about the government getting involved in your health care. It’s not even about getting around liability because frankly, most patients would want to come in, but they can’t find a primary care physician these days. So, in every way, this bill is actually going to prevent suffering and it’s going to get people better care.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 604 was adopted and S.B. No. 655, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 605 (S.B. No. 15, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 605 be adopted and S.B. No. 15, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Galuteria.

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

“I have been a long-time foe of mandates, whether they’re in energy or healthcare or whatever. Our mandate for ethanol has proved to be a costly failure, costly in several ways: By requiring that 10 percent in all gasoline, we found it, first of all, did not do what we were told it was going to do – spur a local ethanol industry. Instead, we’re still importing ethanol from South America. Secondly, while biofuel is a good alternative, and it should be an alternative, the problems that we face with the mandatory ethanol would still be available even if you lowered it to 5 percent biofuel, and some of those problems include non-workability on small engines such as boats and small aircraft, and also the lack of productivity and the higher cost.

“So, I think what we really need are more options and more choices. For those people who want biofuel, they should be able to have it, but to force this like any other mandate shows that an education program has not worked. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 605 was adopted and S.B. No. 15, S.D. 2, entitled:

“A BILL FOR AN ACT RELATING TO ENERGY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 610 (S.B. No. 883, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 610 was adopted and S.B. No. 883, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 611 (S.B. No. 997, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 611 be adopted and S.B. No. 997, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“This bill would add yet another new fee – a \$1 fee – for the public archives to digitize records that we’re already paying fees for – notably, conveyance tax records or other permanent records.

“I was under the mistaken impression that that’s what public archives had been doing. We learned in Ways and Means with full discussion that in fact they are just switching over now to digital records, so it is a redundancy because you’re paying once to record whatever the vital statistic is, and now you’ll pay again. Initially, only a \$1 fee, but we note throughout the history of fees in this body that they start off at a dollar and then go to three, and five, and ten, and so forth. So, I want to nip this in the bud and vote ‘no’ now.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 611 was adopted and S.B. No. 997, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ARCHIVES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 612 (S.B. No. 1143, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 612 be adopted and S.B. No. 1143, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Opposition, Madam President: creation of another new special fund. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 612 was adopted and S.B. No. 1143, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 613 (S.B. No. 1213, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 613 was adopted and S.B. No. 1213, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO UTILITY FRANCHISES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 615 (S.B. No. 1249, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 615 was adopted and S.B. No. 1249, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE COMPENSATION OF TRUSTEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 619 (S.B. No. 902, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 619 was adopted and S.B. No. 902, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 620 (S.B. No. 903):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 620 was adopted and S.B. No. 903, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 621 (S.B. No. 905, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 621 was adopted and S.B. No. 905, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 622 (S.B. No. 906, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 622 was adopted and S.B. No. 906, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 623 (S.B. No. 907, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 623 was adopted and S.B. No. 907, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 624 (S.B. No. 909, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 624 was adopted and S.B. No. 909, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 1301, S.D. 1:

Senator Baker moved that S.B. No. 1301, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Galuteria.

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

“You know, listening to the hearings and listening to all the attempts at changes, to me, was a turf war between electricians and plumbers. I don’t know who the winner would be, but I know the loser would be the consumer because we would pay more for this and it’s not necessary. Thank you.”

Senator Baker rose to request that written 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 SB1301 SD1.

“SB1301 relates to the licensing of tradespersons who perform air conditioning and refrigeration and/or fire sprinkler work. This measure will prepare such licensees to work in new construction settings involving the use of both potable and non-potable water as more buildings utilize new water reclamation technologies and procedures. This measure will ensure that consumers are protected from any cross contamination that may occur when construction plans call for both potable and non-potable water lines.

“New regulations to reduce water flow and encourage the safe use of reclaimed non-potable water in residential and commercial buildings are part of an updated state building code now under review. Thus, it is important to prepare and train the workforce to handle the changes and innovations ahead related to use of non-potable water technologies and processes to ensure public health and safety.

“As all interested stakeholders continue to work on refining this measure, it is important to note that SB1301 SD1 is not intended to require licensure for workers of any trade other than those directly licensed for air conditioning, refrigeration or fire sprinkler work and does not include the fabrication customarily performed by the sheet metal industry. Also, this amended measure is not intended to require licensure for all workers performing pipefitting. Instead, it focuses on the pipefitting associated with plumbing, air conditioning and refrigeration, or fire sprinkler work and does not preclude other properly licensed contractors from performing pipefitting work within the scope of their license.

“SB1301 SD1 is intended as a starting point for further discussion as this measure continues through the legislative process. I am hopeful that consensus among all interested parties can be reached during this legislative session and ask that we move SB1301 SD1 forward at this time. The ultimate goal is consumer protection as well as improved resource management. I think we all acknowledge that we must find ways conserve our valuable freshwater resources and make better use of so called gray water. This measure moves us toward that goal by ensuring that certain licensed tradespersons are appropriately trained to execute plans for new commercial and residential buildings that make greater use of available non-potable water sources. Mahalo.”

The motion was put by the Chair and carried, S.B. No. 1301, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PROFESSIONS AND OCCUPATIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Espero, Green, Hee, Ihara, Kidani, Kouchi, Nishihara, Ruderman, Taniguchi, Thielen, Tokuda). Noes, 1 (Slom).

S.B. No. 1201, S.D. 1:

On motion by Senator Galuteria, seconded by Senator Ige and carried, S.B. No. 1201, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 1236, S.D. 1:

On motion by Senator Dela Cruz, seconded by Senator Wakai and carried, S.B. No. 1236, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FIBER OPTICS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

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

Senator Wakai moved that S.B. No. 1171, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Nishihara.

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

“This bill deals with the phased-in process in looking at historic sites. Clearly, it is aimed at projects like O’ahu’s rail project because the environmental law in Hawai’i is different from the other states and different from the federal government. The phasing law in the federal government allows a project to go ahead even though there may be questions initially at that project, and until they get to the phase that is controversial, construction has continued. The problem there is when it gets that far, the argument often is, ‘Well, we’ve gone this far, we’ve spent this much money; we’d better be able to fix the situation and complete it.’

“In Hawai’i, as we saw, the State Supreme Court ruled that the rail project had to stop because of the phasing-in law here in Hawai’i. And what it said was that you could go ahead with some of the early phases, but you could not start any construction on the phase that was in controversy. And as we’ve seen, that was a wise decision by our court because we’ve continued to see iwi being discovered along the route. What this bill would do is to exempt that process, result in greater costs and more projects that the public would not have any input for. Thank you.”

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

“One of the concerns I have about this bill is the potential unintended consequences. The bill allows phased archeological reviews where projects run along corridors that span large areas of land, which the prior speaker addressed, includes the rail situation. But the bill also allows phased archeological reviews for projects where access to the property is restricted, or where circumstances dictate that construction be done in phases. That language is really broad and ambiguous. Seeing as we don’t have any projects that are pending in front of the state that would require this type of bill, I would prefer that we defer this measure and take a look at some tighter language if such is necessary in the future. Thank you.”

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

“This bill is an in-your-face response to the Supreme Court decision on *Kaleikini*. Every Hawaiian should be offended by this proactive effort to preempt the process, and it is a slap in the face to the iwi kūpuna who have been resting in place.

“It’s a sad day when this legislature moves forward to overrule and overturn the Hawai’i Supreme Court’s deliberate action to preserve the rights of Native Hawaiians. Thank you.”

The motion was put by the Chair and carried, S.B. No. 1171, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE REVIEW OF HISTORIC PRESERVATION PROJECTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 19; Ayes with Reservations (Baker, Chun Oakland, Gabbard, Ige, Kidani, Nishihara, Shimabukuro, Tokuda). Noes, 6 (Green, Hee, Ihara, Ruderman, Slom, Thielen).

S.B. No. 472, S.D. 1:

Senator Hee moved that S.B. No. 472, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“The objective was to clearly delineate and separate possession of one ounce of marijuana from a criminal penalty to a civil penalty, a civil action, and I support that. But if we’re going to do that, I think we should be really clear. This bill leaves a fine of \$1,000, which is pretty hefty for a civil penalty and for one that previously had been \$100. So, I think that if we’re going to move in any direction and we want to change something that we should make it very clear; this is not that clear. Thank you.”

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

“I’d also like to express my reservations with the bill. I’m glad we’re moving to decriminalize this, but I think a \$1,000 fine is way too high for something we’re trying to decriminalize. I appreciate that this is a work in progress, and I hope to see it develop along the way; so, I’ll be supporting it with reservations.”

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

“Members, as you know this is a work in progress, and I’m sure that we all understand how our process works. The highest civil penalty you can impose is \$1,000. So, why not send the measure to the House with the highest, hoping that the House will now have something to work with? Perhaps they would lower it in their deliberations.

“So, I think that, all of us understanding the strategy of the Senate and how we move ahead, we should support this measure because we did pass a measure similar to this in previous legislatures. And, to speak more to the measure, this is a fundamental shift in our public policy and how we relate with marijuana.

“So, I think that this is a prudent beginning. If you recall, I introduced three measures: one completely legalizing marijuana, one decriminalizing, and one allowing for the compassion centers. I do believe this is the most prudent way to go because we’re setting a foundation. The first step is to decriminalize. If you remember, way back when in the mid-nineties – for those of you that were here – traffic infractions were criminal, and the first step in dealing with those: decriminalize traffic infractions to move it out of the criminal code and into the civil code.

“So, I ask that you support this measure, realizing full well that this is a major policy shift for us. Thank you.”

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

“Just a few remarks to follow up on the previous speaker, who is the author of this bill. He is correct; the Senate has moved a measure like this previously. It does not make smoking marijuana legal or lawful. Smoking marijuana is still illegal. What it does is save the court backlog system, according to a study done, \$9 million. And what this bill also does, by moving it to the civil side, is it imposes a mandatory fine that’s presently allowed by law of \$1,000.

“The previous speaker is absolutely correct that it provides for the House meat on the bone because as was done previously, the House chose not to hear the bill. It gives the House the opportunity to make deliberative decisions and save taxpayers \$9 million by making the crime of smoking marijuana a civil penalty and still unlawful by law. Thank you.”

The motion was put by the Chair and carried, S.B. No. 472, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO MARIJUANA,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

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

Senator Hee moved that S.B. No. 532, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“Regretfully, I must oppose this bill. As my colleagues know, I’ve supported breastfeeding in the past; I support breastfeeding in the present. I like breastfeeding, but what I don’t like is mandates continually telling businesses – particularly small businesses – what time they have to allow, additional time, additional space. There were bills in the past, and I know the intent was still there, to have refrigeration and other units.

“Look, we have a law now. The state law is clear; the state law is working, and that is that there must be time allowed during breaks or during lunch for breastfeeding. But to require additional mandates on business, I think, is unfair and is costly to them. Thank you.”

The motion was put by the Chair and carried, S.B. No. 532, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO BREASTFEEDING IN THE WORKPLACE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

S.B. No. 465, S.D. 1:

Senator Hee moved that S.B. No. 465, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“Boy, didn’t we have fun with this bill? Wasn’t it great having rock stars and legends here? It was almost as exciting as when the word leaked out that we were going to grow marijuana up on the fifth floor in the garden. That having been said, we have been the butt of many editorials and jokes across the country for this proposed legislation.

“We have strong privacy rules right now. We have it in our Constitution; we have it in our laws. The most egregious of actions against not only celebrities and politicians and others is currently taken care of in our existing law; this was pointed out by opponents to this bill. And while the bill was amended and changed for the better, it still is an attack on the First Amendment, still leaves a lot of unanswered questions and the possibility for misdeeds and wrongdoing, particularly as it affects those in the journalistic professions and even in law enforcement.

“So with all these things said, I know that there’s a great deal of harmony for the celebrities that have chosen to live here, but I think the laws should apply to everyone; and in the case of privacy, they do. And my final remarks to Mr. Steven Tyler, as he sang so eloquently, ‘Dream on, dream on.’ Thank you.”

The motion was put by the Chair and carried, S.B. No. 465, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TORT ACTIONS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Thielen). Noes, 2 (Ihara, Slom).

S.B. No. 982, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 982, S.D. 1, entitled: “A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 3, OF THE CONSTITUTION OF THE STATE OF HAWAII,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 61, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 61, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO JUVENILES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 848, S.D. 1:

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, S.B. No. 848, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FINANCIAL DISCLOSURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

S.B. No. 946, S.D. 1:

Senator Hee moved that S.B. No. 946, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Ige.

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

“I rise in opposition again, only because again, this creates a new special fund. Thank you.”

The motion was put by the Chair and carried, S.B. No. 946, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RESOLVING THE UNFUNDED LIABILITIES OF THE STATE AND THE COUNTIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 653 (S.B. No. 83, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 653 was adopted and S.B. No. 83, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 658 (S.B. No. 1135, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 658 be adopted and S.B. No. 1135, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“This adds additional recordkeeping for businesses and registration and collection fees, so it’ll be more costly, again, particularly for small businesses. Thank you.”

Senator Gabbard rose to request that written 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 support of SB 1135 SD2. The current e-waste recycling programs are not working because of inherent flaws in the language of the statute. As a result, the Department of Health requested a bill last year that would have required recycling anything with a plug. While I support that, the bill faced overwhelming opposition. So, instead, we changed it into a task force. Over the interim, the Department of Health held three meetings of the Electric Device Recycling Task Force, each time with more and more members. Unfortunately, they were unable to get consensus.

“The bill before us is our attempt to reach a compromise that restricted the scope to computers, TVs, similar devices and peripherals. The bill also has the Department of Health setting poundage goals for manufacturers based on their sales. Although the bill targets only manufacturers of computers, televisions and peripherals, it allows them to collect any electric device to meet those goals. So, for example, Apple, Dell, Sony or Samsung could choose to collect blenders, crockpots or microwave ovens to meet their goals. And it would require manufacturers to have Department of Health approve their collection and recycling plans.

“My hope is that this bill will help to reduce the amount of electronic waste going into our landfills and instead divert that into recycling. Please join me in supporting SB 1135 SD2. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 658 was adopted and S.B. No. 1135, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO RECYCLING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 659 (S.B. No. 406, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 659 was adopted and S.B. No. 406, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRAINING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 667 (S.B. No. 595, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 667 was adopted and S.B. No. 595, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Gabbard).

Stand. Com. Rep. No. 669 (S.B. No. 747, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 669 be adopted and S.B. No. 747, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"You know, we've already put a lot of restrictions on ocean recreation craft, both at the state level and county level. We've seen that the regulations have worked fairly well, but now we're putting additional regulations on thrill craft and jet skis, and I think it'll be burdensome to them. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 669 was adopted and S.B. No. 747, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RECREATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 673 (S.B. No. 987, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 673 was adopted and S.B. No. 987, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 674 (S.B. No. 991, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 674 was adopted and S.B. No. 991, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 677 (S.B. No. 1387, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 677 was adopted and S.B. No. 1387, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REGENTS CANDIDATE ADVISORY COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 678 (S.B. No. 104, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 678 be adopted and S.B. No. 104, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"I think this is the first of three bills that deal with long term care, and while primarily they deal with studies and task forces, the intent in past legislative action is clear: The idea is to have public financing and taxpayer-funded subsidies for long term care. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 678 was adopted and S.B. No. 104, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 679 (S.B. No. 1132, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 679 be adopted and S.B. No. 1132, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Please note my reservations. There are two solid waste transfer stations in my district. We already have a problem with a lot of illegal dumping, and I'm afraid that this significant increase in this fee is going to create a lot more illegal dumping in our rural areas. Thank you."

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

"Significant increase is absolutely correct: it's a 257 percent increase, and it will discourage legal dumping, will encourage illegal dumping, but more than that, it is an egregious increase. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 679 was adopted and S.B. No. 1132, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 680 (S.B. No. 753, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 680 was adopted and S.B. No. 753, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 681 (S.B. No. 910, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 681 was adopted and S.B. No. 910, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 682 (S.B. No. 911, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 682 was adopted and S.B. No. 911, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 683 (S.B. No. 1133, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 683 be adopted and S.B. No. 1133, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.



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

“As you know, I’ve been in opposition to the creation and the increases in the beverage deposit bill. And now, as I’ve said in committee, this is very unusual. We’re telling people that we want them not to be obese, we want them to be slim and trim, but now we’re going to add dietary supplemental beverages or supplements to the list. So, the idea really has nothing to do with health; it’s all about taking more money from the consumer. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 683 was adopted and S.B. No. 1133, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 684 (S.B. No. 1070, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 684 was adopted and S.B. No. 1070, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE SERVICERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 685 (S.B. No. 414, S.D. 2):

Senator Baker moved that Stand. Com. Rep. No. 685 be adopted and S.B. No. 414, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Ige.

Senator Slom rose in opposition to the measure and said:

“This is a very emotional bill, and as we know, we’ve spent a great deal of time on cruelty to animals and particularly dogs. The issue was brought about because of the horrendous situation in Waimanalo with the puppy mill. The unfortunate thing is that there are always unintended consequences, and the unintended consequence in this bill is that it falls just as heavily on small breeders, private breeders, families, and so forth who do not engage in negative practices.

“If we’re going to have bills for cruelty to animals, then let’s enforce the laws on cruelty to animals, but don’t have such a wide, broad, and vague net that we ensnare law-abiding people who are enjoying their pets as well, and that’s what this bill does. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 685 was adopted and S.B. No. 414, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO COMMERCIAL DOG BREEDERS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 689 (S.B. No. 1127, S.D. 1):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 689 was adopted and S.B. No. 1127, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO SALES OF ELECTRONIC SMOKING DEVICES TO PERSONS UNDER 18 YEARS OF AGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 693 (S.B. No. 1169, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 693 was adopted and S.B. No. 1169, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE KAHOO LAWE ISLAND RESERVE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

At 11:17 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:28 a.m. with the Vice President in the Chair.

Stand. Com. Rep. No. 694 (S.B. No. 894, S.D. 2):

By unanimous consent, Stand. Com. Rep. No. 694 and S.B. No. 894, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LAND ACQUISITION,” were recommitted to the Committee on Judiciary and Labor and the Committee on Ways and Means.

Senator Hee rose to speak on a point of personal privilege as follows:

“I want to thank the members of the Senate that have been patient with S.B. No. 894, S.D. 2, in particular the Committee on Water and Land, the Committee on Judiciary and Labor, and the Committee on Ways and Means.

“This is a contentious issue on the North Shore – has been for some time – which really began more than 20 years ago. I would like to read a few things into the record. The first is a lead editorial dated December 26, 2012, by the *Honolulu Star-Advertiser*. I’ll just read four short sections. It begins by saying:

Residents of the North Shore district, whose treasured rural and scenic charms increasingly have run up against urbanization plans, face a narrowing window of opportunity to start building a force capable of preserving more of the Turtle Bay environs than the current developer aims to do.[...]

[T]here are a few possible end games here, but the one many in the community prefer – a “conservation partner alternative” – will take a nearly herculean effort to pull together enough money to achieve that kind of settlement.[...]

But its preferred alternative still entails development at Kawela, as part of an expansion by 625 hotel rooms in two hotels and 590 new resort-residential units.[...]

The priceless nature of this coastal resource has long been recognized. Former Gov. Linda Lingle put together a working group that in 2008 contemplated ways the state could acquire and protect much of the prime shoreline.[...]

The financial package will be tough to assemble, but the effort should be made. One of Oahu’s last pieces of pristine shoreline should not be relinquished – at least not without a real fight.

“The recommitment of S.B. No. 894, S.D. 2 is the result of an e-mail I received yesterday evening from Turtle Bay Replay Resorts, Inc. CEO Drew Stotesbury. I would like to read it into the record and also provide a hard copy for the record; it’s dated March 4, 2013.” (The Chair having so ordered, the letter from Drew Stotesbury is identified as “**ATTACHMENT C**” to the Journal of this day.)

Dear Senator Hee:

We greatly appreciate the opportunity to explore an alternative for both the State of Hawai'i and Turtle Bay Resort, LLC ("Developer") to voluntarily negotiate in good faith a solution that provides the State the ability to keep a portion of the undeveloped lands at the Turtle Bay Resort ("Resort") for public benefit. We have been apprised that you may be open to holding the referenced measure pending while the Developer proceeds in good faith to negotiate with the State in regard to the acquisition by the State of certain lands within the Resort.

The Developer is open to good faith negotiations with the State provided that these negotiations take place immediately and that negotiations terminate no later than November 30, 2013, at which time the State and developer will submit to the Legislature for its consideration a report as to the result of the negotiations. If the parties are able to negotiate terms, area, and price, then SB 894 could be amended to effectuate the terms of the negotiated settlement. If the parties are not able to negotiate a settlement, then I suspect SB 894 might proceed through the legislative process in the next session.

We believe this alternative provides a reasonable time for the State and the Developer to engage in good faith negotiations to reach a reasonable solution that benefits not only the immediate community, but the State as a whole.[...]

It is our desire to be good stewards of the land and find a way to reach a solution. We appreciate your willingness to be open to further discussions.

"Members, S.B. No. 894, in my opinion, has procured what I just read; and for that, I am wholly grateful to the members of the Senate to bring 894 to the floor this morning.

"While I am hopeful that Replay Resorts and the State are able to reach a negotiated settlement, I am drafting a resolution to this effect so that at the end of the day, it's my hope that S.B. No. 894, if picked up next year, will be just as the CEO of Replay Resorts proposed to amend it to provide for a settlement so that the final frontier on the island of O'ahu can be preserved for the public good. Thank you, members, and thank you, Mr. President."

Stand. Com. Rep. No. 695 (S.B. No. 17, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 695 be adopted and S.B. No. 17, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"This bill – first of all, we have to look at the law, and the law was set up as an environmental response to oil leaks. Initially, there was a \$0.05 per barrel fee; we now are up to \$1.05 per barrel. And we're trying to expand this law not only to include additional products, but also additional fees. Some of the amounts are blocked out, blanked out, but the purpose here, again, is to expand the scope of this bill, and I think it's unnecessary. Thank you."

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

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

"I support changing the law to encompass the environmental impacts caused by all carbon-based fuels. However, I express concerns about exempting current users of coal from the carbon tax until they negotiate a new contract. This provision may

incentivize these companies to extend existing contracts for long periods, particularly since coal will be the only fossil fuel exempt from the tax.

"I'd prefer we tighten this language to prevent this from happening by adding a drop-dead date to the exemption as the bill moves forward.

"In addition, I'm concerned about striking the amounts of the proportional allocations of the funds for the specified purposes. We have broad popular support for the renewable energy, food security and invasive species prevention programs. My hope is that we ultimately dedicate this tax in its entirety to those purposes."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 695 was adopted and S.B. No. 17, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSSIL FUELS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Thielen). Noes, 1 (Slom). Excused, 2 (Hee, Kim).

Stand. Com. Rep. No. 699 (S.B. No. 331, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 699 be adopted and S.B. No. 331, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"This is the increase to the minimum wage bill. This would be detrimental to all businesses, but particularly small businesses.

"There are very few people that actually receive minimum wage, which is an entry and training wage; it is not a living wage. What we have seen from study after study is that every time the minimum wage increases, it destroys jobs for the very people that need them most – the entry-level positions for youth and for minorities.

"In addition, those of us that are in business understand that any time the minimum wage goes up, forced by the government, there's no increase in productivity necessarily. And in addition to that, the mandates that we must pay – matching taxes, matching insurance, and so forth – also go up, their premiums go up, because in part they're based on experience and in part they're based on the total payroll.

"Finally, one of the things that the restaurateurs have talked about for years is the tip credit, which is a common practice in all 50 states. Hawai'i, at 25 cents per hour tip credit, is one of the lowest amounts in the United States; and in this latest version, there is a tip of the hat to tip credit, but it is a blank amount and no one knows what it's going to be.

"So for these reasons – this does not add jobs, does not improve our economy, it does hurt business – I'll be voting 'no.' Thank you."

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

"In response to the previous speaker, not all businesses oppose such increase in wages and not all businesses feel like this hurts them. A lot of business owners are very compassionate for those at the lower rungs of our economic ladder.

"As I support the increase in minimum wage, I have concerns about this and will vote with reservations because I'm very concerned about the attachment of the CPI or any index to it. The thing that businesses need is predictability and stability

in their wage structure, and attaching it to the CPI will be disastrous, so I want to express my reservations. Thank you.”

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

“This bill is long overdue. As President Obama properly indicated in the State of the Union, this helps the poorest of the poor. This particular bill is the only bill that is in play for the Legislature from the standpoint that the House bill has attached to it the unemployment insurance contribution by employers.

“This bill, as was reported or testified to accurately by the Department of Labor and Industrial Relations, is a bill that unless the minimum wage was increased that by 2016, what is now the minimum wage of \$7.25 will be worth \$5 in purchasing power – I believe \$5.16. This bill proposes to take the Legislature out of the process by attaching it to the Consumer Price Index. I would note here that in testimony received by your committee, 10 other states have already engaged in this process by their own laws.

“While it’s fair to say that this bill is not the final product, I fully anticipate that the Committee on Judiciary and Labor and the Committee on Ways and Means will be involved in a conference. It provides a sound footing from which discussion can occur by raising the minimum wage in three increments at 50 cents per calendar year, and also by looking prospectively at a reasonable means already employed by 10 other states of taking this issue so that as the cost of living rises, the poorest of the poor will also see their buying power not diminished. Thank you.”

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

“I will be voting for this bill in support, Mr. President. However, I wanted to note for the Journal and to my colleagues that I, too, am concerned about the CPI, using this to determine our minimum wage, just for the fact that the CPI is predicated on a Honolulu model. The neighbor islands, especially the island of Hawai‘i, have a much lower economy, in terms of where they’re at. And I’m supporting it simply because the Judiciary Chairman mentioned that this is not the final product, and I’m hoping that as the bill progresses we will be able to address these concerns. So, it’s a question of fairness when we’re making these decisions. Thank you very much.”

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

“I just wanted to note to my colleagues that there are exemptions to the minimum wage that you can find in HRS Section 387-1 and Section 387-9; and specifically, Section 387-9 provides employers with exemptions if they hire people with disabilities, students, people who are coming out of Hawaii Youth Correctional Facility, and those types of things. And so, there is relief out there for employers. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 699 was adopted and S.B. No. 331, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LABOR,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Dela Cruz, Gabbard, Nishihara, Ruderman, Solomon, Thielen, Wakai). Noes, 1 (Slom). Excused, 1 (Kim).

Stand. Com. Rep. No. 703 (S.B. No. 1194, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 703 was adopted and S.B. No. 1194, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX,”

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

Ayes, 23; Ayes with Reservations (Kidani, Ruderman). Noes, 1 (Slom). Excused, 1 (Hee).

Stand. Com. Rep. No. 708 (S.B. No. 403, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 708 was adopted and S.B. No. 403, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BONDS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 711 (S.B. No. 708, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 711 was adopted and S.B. No. 708, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO THE LEGACY LAND CONSERVATION PROGRAM,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 712 (S.B. No. 754, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 712 be adopted and S.B. No. 754, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“My opposition is that I find it difficult that we have to allow the Agribusiness Development Corporation to purchase land to encourage agriculture. I think there are enough people out there that want to engage in agriculture and to farm if we made the land directly available to them. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 712 was adopted and S.B. No. 754, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND ACQUISITION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 714 (S.B. No. 510, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 714 be adopted and S.B. No. 510, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“This bill has been a very contentious bill for a number of years now because the effect of the bill has been for large PEOs (professional employer organizations) to try to have barriers to entry for smaller independent PEOs. And while this bill is an improvement and reduces some of the burdensome additional costs, it still is a burden and still acts as that barrier to entry to smaller independent PEOs. Thank you.”

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

“While I would agree that previous versions had both sides not happy – the small PEOs and the large PEOs – I’m pleased to say that because of efforts that your committee made, along with the Department of Labor and Industrial Relations and representatives of the small PEOs and the large PEOs, this bill represents consensus language. It allows all sizes of PEOs to fully operate, and if we left the current law in place, it would be more onerous. The current law on the books requires a

\$250,000 bond if you're going to be deemed a professional employer organization. This measure provides a sliding fee scale that allows smaller ones to operate successfully, as well as making sure that consumer protections and protections for their clients are in place. I ask my colleagues to join me in voting in favor of this measure. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 714 was adopted and S.B. No. 510, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 715 (S.B. No. 515, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 715 be adopted and S.B. No. 515, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"You know, I've supported housing measures and housing bills over the years, but two things have happened: One is that we continue to increase and expand a number of these programs, and they're very costly; and number two, as I had earlier predicted late last year, human services has surpassed education in the State of Hawai'i as the single biggest expense to taxpayers.

"And this bill provides amounts for the homeless program, the homeless program office, the rental assistance program, the housing first program, the homeless prevention program, the rapid rehousing program, the shelter first program. All of these programs cost a lot of money and they have not shown their effectiveness. We continue to have more homeless and more people in need of affordable housing, and why is that? Because in the Legislature, we keep raising taxes, fees, and mandates. So, we can't have one without the other, and at this point I'm saying 'no' to all these additional costs. Thank you."

At 11:50 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:51 a.m.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 715 was adopted and S.B. No. 515, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 719 (S.B. No. 1027, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 719 be adopted and S.B. No. 1027, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Under Hawai'i's coastal zone management law, we have designated some of our most sensitive lands in the state to be in the Special Management Area. Most of our shoreline areas are in the Special Management Area, and under this designation, if anybody is going to be developing these lands, they need to obtain a Special Management Area Permit. That's one of the few permits that we have under state law that makes sure that we protect shoreline access. The rights of people to access the shoreline in Hawai'i is something that makes our state unique.

"What this bill proposes is to exempt state developments on state lands from the need to get a Special Management Area permit, and in some cases the developments may be exempt from the shoreline setbacks. The only requirement is that they conduct a self-consistency review, which is similar to the fox guarding the henhouse.

"I'd like to point out that we already passed S.B. No. 1207, which exempts the DOT Harbors Division from having to get a Conservation District Use permit for any new harbor or expansion of existing harbors. If we are to also pass this measure, the State DOT Harbors Division would not need to get any state permits protecting public access for expansions of existing harbors or when building new harbors. These harbors are areas that many people in our state – boaters, surfers, sailors, canoe clubs, fishers – use for shoreline access. To take away all the state permits that would require that these types of facilities and expansions to maintain shoreline access is something that I cannot support. So, I oppose this measure. Thank you."

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

"I rise in support with some reservations. I do so knowing that the bill is defective, and that's why I'm rising in support – so that there's some discussion that can deal with some of the issues articulated by the previous speaker.

"While I appreciate that side of the coin, there's also another side of the coin, and that is – and let me give you a specific example – for more than a decade, the Hawai'i Institute of Marine Biology in Kāne'ohe Bay has been trying to get the necessary permits to shore up its island that is literally falling into the ocean and causing harm to the reef. We have, in the past, sent legislation over to the House to see the demise of the legislation which would have allowed HIMB to proceed with saving the island. That's the other side of the coin, and I don't mean to diminish what the previous speaker had said with respect to the example used by harbors.

"The concern here is that the public process of allowing people to weigh in, in my opinion, must be addressed, and let me give you an example: There was a time when DLNR intended to turn part of the shoreline of Sand Island into a marina for boats. On the face of it, it sounds like a reasonable idea; after all, we are an ocean state. But when doing more research, the place that the harbor for boats was proposed to be built was exactly where the canoe clubs were, and it stands for good reason that the canoe clubs were there because it was a sheltered area of Sand Island.

"So this is, in my view, why it's necessary that if permits are to be expedited, the public participation must not. The public has every right – and should have every right – to weigh in. While I can see this bill being of great assistance to the Office of Hawaiian Affairs on its Kaka'ako makai lands, the public still has a right – and should have that right – to weigh in on the future of shoreline areas.

"So, while I have some strong concerns about this bill, I note that it is defective and I am confident that some of the issues articulated can be addressed as it goes forward. Thank you."

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

"The purpose of these bills is to provide a streamlined state consistency review process for the development by state agencies on state lands within a special management area (SMA) in place of a county approved SMA permit and shoreline setback variance. In light of scarce resources, reductions in staff, and reduced funding support for state programs, the state consistency review and certification process

will allow the Hawai'i CZM (Coastal Zone Management) Program to remain consistent with the state and federally approved Coastal Zone Management Program, and helps the state expeditiously deliver capital improvement and repair and maintenance costs.

"The question was proposed by previous speakers: 'Is this another exemption?' No, projects will not be exempt from the CZM law. This is a streamlining effort to make the process simpler and more efficient while still achieving the purpose of Hawai'i's CZM law to provide for the effective management, beneficial use, protection, and development of the coastal zones.

"In 1975, our Legislature found that special controls on developments within areas along the shoreline were necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication of other means, to public owned or used beaches, recreation areas, and natural reserves is provided.

"Mr. President, the drafting of this bill was done in consultation with various stakeholders who have jurisdiction and regulatory responsibility over CZM Act implementation. The Office of Planning sought comments from: Department of Land and Natural Resources' Division of Forestry and Wildlife, Division of State Parks, Division of Boating and Ocean Recreation, Office of Conservation and Coastal Lands; Department of Transportation's Airports Division, Harbors Division, Highways Division, Statewide Transportation Planning Office; Office of Hawaiian Affairs; all four county planning departments; and the Marine and Coastal Zone Advocacy Council (a 12-member public advisory board with at least 2 members from each county). The director also discussed the Office of Planning's proposals at various presentations before such audiences as the 2012 Hawai'i Congress of Planning Officials, the Environmental Caucus of the Democratic Party of Hawai'i, and members of the Environmental Council.

"So with this in mind, Mr. President, I'm asking my colleagues to please support this bill; and as we all know, Third Reading still means that it is a work in progress. Thank you very much."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 719 was adopted and S.B. No. 1027, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22; Ayes with Reservations (Chun Oakland, Green, Hee, Keith-Agaran, Shimabukuro, Slom). Noes, 3 (Ihara, Ruderman, Thielen).

Stand. Com. Rep. No. 723 (S.B. No. 1007, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 723 be adopted and S.B. No. 1007, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Keith-Agaran rose to make the following remarks:

"I'd like a ruling on a possible conflict of interest; I apologize. I belong to a law firm that occasionally does cases that affect state tort liability."

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 723 was adopted and S.B. No. 1007, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 724 (S.B. No. 1068, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 724 was adopted and S.B. No. 1068, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 726 (S.B. No. 1082, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 726 be adopted and S.B. No. 1082, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Keith-Agaran rose to request that written remarks in support of the measure with reservations be entered into the Journal, and the Chair so ordered.

The Chair having so ordered, Senator Keith-Agaran's remarks read as follows:

"Thank you, Madam President, I write to express my reservations on S.B. 1082 S.D. 1.

"I understand that it may be helpful for the Department of Education to have more flexibility in determining how to provide adequate transportation for schoolchildren and to use the limited funds budgeted for bus transportation. This bill would delete language specifying considerations for contracting transportation of school children from Section 302A-406, Hawaii Revised Statutes, including the availability of public carriers or other means of transportation and the frequency, regularity, and availability of public transportation. I am concerned that eliminating some of these considerations could leave schoolchildren in certain areas of the state with limited transportation options. This could be particularly problematic for students in some areas on the neighbor islands, which may lack a robust transportation infrastructure.

"I am voting in favor of the present bill with the hope that the Department of Education and the Governor's appointed School Board will give due consideration to the lack of public transportation options in our rural areas. Flexibility should not mean not taking into account important factors such as the availability of transportation infrastructure in a county or area when making decisions on how best to provide transportation for schoolchildren. Flexibility assumes that a one-size-fits-all solution may not be the most appropriate response to the escalating bus transportation costs."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 726 was adopted and S.B. No. 1082, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION OF SCHOOL CHILDREN," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25; Ayes with Reservations (Keith-Agaran). Noes, none.

Stand. Com. Rep. No. 727 (S.B. No. 1095, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 727 be adopted and S.B. No. 1095, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

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

“Madam President, I rise to express support, but with some reservations, on SB 1093, SSCR 591 and on SB 1095, SSCR 727.

“I support early childhood education. I applaud the Administration and this Legislature for moving this effort forward. I respect the many groups who have dedicated much time on the many important policy decisions that we need to make. However, I feel compelled to express two concerns as we move this discussion forward this session.

“First, we need to make sure that we do not make changes in our existing early childhood education network that will make it more difficult for the small businesses that operate these schools. Our state is blessed with many wonderful and long-standing private early childhood education providers. In fact, my two daughters went to the same wonderful early learning school as my younger brother. None of us want to see such important partners in this effort negatively impacted, and I know the ongoing discussion will take this into consideration.

“Second, our Department of Education is tackling the herculean job of improving our K-12 student achievement, including creating and implementing new systemic changes affecting teachers and principals. At the same time, they are addressing operational concerns with bus and food service; operating, repairing and maintaining 256 public schools on seven islands. In short, they are changing the tires on an express bus at full speed.

“All of us want the DOE to succeed in these efforts. The Legislature has been mindful about diverting the DOE with additional tasks to keep their focus on the essential improvements they are undertaking.

“I encourage the discussion going forward to continue examination of the best location for an early childhood program so that it can support partnership with the private sector, without diverting attention from the well-deserving K-12 students. Thank you.”

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

“I certainly wish I could support this, since every major political person and special interest supports this early education, but are we really talking about early education? I believe not. I think what we’re talking about is a further subsidy by the taxpayers for early watching of children. We’re talking now about four-year-olds. The State Budget and Finance director indicated at a public forum last week that the actual cost of this will be about \$100 million for two years and that it will grow. But the proponents of this legislation have indicated early and often that they don’t want to stop at four-year-olds; they want to go to three-year-olds, two-year-olds, one-year-olds, and so forth.

“We have existing programs now. The Education Chair, I think, referred earlier to people that say, ‘Why don’t we fix K-12 first?’ I’m one of those people. We have a lousy record on our K-12 public education, and we’ve spent billions of dollars annually to improve this and we have not held the Department of Education accountable. And now we’re going to start a new program when we don’t have money and force the taxpayers to have yet another expensive program. I don’t think so. It’s not worth it, and for every study that shows that this early education results in better students, I can show you a study that shows just the opposite. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 727 was adopted and S.B. No. 1095, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION,” having been read throughout,

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

Ayes, 22; Ayes with Reservations (Nishihara, Taniguchi, Thielen). Noes, 1 (Slom). Excused, 2 (Kim, Ruderman).

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

The Senate reconvened at 12:06 p.m.

Stand. Com. Rep. No. 728 (S.B. No. 693, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 728 be adopted and S.B. No. 693, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“In those communities that have used red light cameras, they have had lawsuits, they’ve had challenges. They found out it has not increased safety; it has increased revenues, however. In the Ways and Means Committee the other day, one of our colleagues talked about someone who was struck in a crosswalk. There was no indication, however, whether that had anything to do with the red light or not. I know I tell my friends and loved ones to stay out of crosswalks because that’s where everybody’s getting killed right now. That, again, has nothing to do with red lights. And if we have a program like this, the best that we can hope for is if someone runs a red light – and we do see that almost every day, it’s true – but if somebody runs a red light and even kills somebody, the only thing that we’re going to provide will be a nice, clear photograph of the person running the red light after they’ve already done the damage.

“The real answer here is stronger law enforcement – more boots on the ground, more people that can actually see things and can stop things before they start. This is a blatant money grab and I oppose it. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 728 was adopted and S.B. No. 693, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (English, Kahele, Nishihara, Ruderman, Shimabukuro, Solomon). Noes, 4 (Green, Hee, Slom, Taniguchi).

Stand. Com. Rep. No. 729 (S.B. No. 244, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 729 was adopted and S.B. No. 244, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 738 (S.B. No. 593, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 738 be adopted and S.B. No. 593, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Again, over the years I’ve supported subsidies for livestock programs, and I did so with measured support because if we continue our subsidies – and particularly if we expand our subsidies – then we are treating the symptoms of the problem but not the problem.

“And again, I would go back to the fact that it is so costly doing business in Hawai‘i for every kind of business, and particularly for agriculture and for farmers who work harder and probably make less than most other businesses. But we’re creating the very problems that they complain of through our taxes and our regulations and through non-exemption of the Jones Act and things like that that make importation of feed and other produce much more expensive.

“And I notice now that even in this bill, in S.B. No. 593, we’re expanding the subsidies to include milking goats, sheep, lamb, fish, and even crustaceans. Where will it end? That’s the problem: Once you start on the road to subsidies, you don’t solve the problem; all you do is increase the cost. I want to have a strong, viable agricultural industry, but we don’t do it with more subsidies. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 738 was adopted and S.B. No. 593, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 743 (S.B. No. 16, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 743 was adopted and S.B. No. 16, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ENERGY RESOURCES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 744 (S.B. No. 1370, S.D. 2):

On motion by Senator Hee, seconded by Senator Shimabukuro and carried, Stand. Com. Rep. No. 744 was adopted and S.B. No. 1370, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MEDIATION AFFECTING JUDICIAL FORECLOSURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 746 (S.B. No. 343, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 746 was adopted and S.B. No. 343, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO DENTAL HEALTH,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Slom).

Stand. Com. Rep. No. 747 (S.B. No. 332, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 747 was adopted and S.B. No. 332, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO WAGES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 754 (S.B. No. 301, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 754 was adopted and S.B. No. 301, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ASSET BUILDING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 758 (S.B. No. 103, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 758 was adopted and S.B. No. 103, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LONG TERM CARE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 759 (S.B. No. 1069, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 759 was adopted and S.B. No. 1069, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO MORTGAGE LOAN ORIGINATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 760 (S.B. No. 709, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 760 was adopted and S.B. No. 709, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURAL DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 762 (S.B. No. 623, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 762 be adopted and S.B. No. 623, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

Senator Gabbard 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 Gabbard’s remarks read as follows:

“Madame President, I rise in support of SB 623 SD2. Colleagues, I consider this bill to be perhaps the most important bill that the Energy and Environment Committee passed this session. The intent is to lessen the fiscal impact on the state while still keeping the renewable energy industry going.

“Renewable energy tax credits have been a long-standing issue and has been my top priority this session. Starting in September of last year, I brought together stakeholders from the solar and wind industries, economists, investors, utilities, other legislators and state agencies with the goal of coming up with a workable solution. This informal working group held four meetings.

“In November, while we were still meeting the Department of Taxation announced temporary Administrative Rules that significantly curtailed the tax credit. The Administrative Rules were brought about in part because of mounting criticism that the current law was allowing folks to get multiple tax credits. We heard from homeowners, businesses, and utility scale solar developers who were very concerned about how the Administrative Rules would impact their planned projects. If this bill fails, those temporary Administrative Rules could be made permanent. Moreover, this bill will affect which utility-scale developers bid on the upcoming 200 MW RFP and for which type of projects.

“I have been working closely with my House counterpart, Rep. Chris Lee. And we see eye to eye on this bill. This bill is critical in keeping solar affordable for homes and businesses. I ask you to join me in supporting SB 623 SD2. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 762 was adopted and S.B. No. 623, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 768 (S.B. No. 1384, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 768 be adopted and S.B. No. 1384, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"This was a strong measure when it started out because it limited the general counsel at the University of Hawai'i to one and had other limitations. As we saw during the Special Senate Accountability hearings last year – to which the general counsel and none of the attorneys at the university showed up to testify or provided any valuable information – we have too many attorneys at the university. And yet, even with the eight attorneys that are on staff, they still manage to spend millions of dollars to outsource to other attorneys in town. Now, the way it used to be before the Legislature granted autonomy to the university was that the attorney general was responsible for legal affairs, and then we had one corporate counsel, and now we have a staff of eight.

"I think that the hearings have shown and the public has indicated that they are really tired with high administrative salaries, the number of bureaucrats, and the number of lawyers that give conflicting – and lots of times, erroneous – advice at the university. So, I'll support this measure, but I like the original better. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 768 was adopted and S.B. No. 1384, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

At 12:16 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:17 p.m. with the President in the Chair.

Stand. Com. Rep. No. 769 (S.B. No. 1349, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 769 be adopted and S.B. No. 1349, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"I have concerns about the tax credit being given for research on GMOs, or genetically modified organisms, which the Tax Department says that could happen. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 769 was adopted and S.B. No. 1349, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 24; Ayes with Reservations (Ihara, Ruderman, Thielen). Noes, none. Excused, 1 (Kouchi).

Stand. Com. Rep. No. 770 (S.B. No. 1306, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 770 be adopted and S.B. No. 1306, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

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

"Madam President, I rise in support of SB1306 SD2.

"In the midst of ever-rising costs of providing health care services and reduced reimbursements, Hawaii's acute care hospitals of the Hawai'i Health Systems Corporation will fall further and further behind financially if we don't find alternative sources of funding for these critical neighbor island facilities. The current State funding for our public hospital services on Oahu and the neighbor islands, including Maui Memorial Center, will not take us where we need to go to provide our communities with needed additional services, upgrade aging and inadequate facilities and provide 21st-century healthcare services in the most effective, efficient and medically appropriate manner. In essence, if we don't find alternative ways to increase funding to HHSC for our public hospital systems, the quality of care provided to the neighbor islands will be severely, negatively affected and that will have a negative ripple effect on O'ahu hospitals as well.

"This problem calls for innovative solutions like SB1306 SD2. SB1306 SD2 will assist Hawai'i Health Systems Corporation's acute care hospitals and feeder critical access hospitals on Maui and the Big Island by enabling the creation of a public-private partnership to provide Hawaii's hospitals with financial support in order to ensure sustainable access to high quality medical services for our constituents. This measure, therefore, advances our commitment set forth in Article 9 of our State's Constitution, to 'provide for the protection and promotion of the public health' by allowing the regional systems of the Hawai'i Health Systems Corporation and their health facilities to transition to non-public status. Today, I ask all of my colleagues to join me in protecting and promoting access to good healthcare and ensure the well-care and welfare of our constituents by voting in support of SB1306 SD2. Mahalo."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 770 was adopted and S.B. No. 1306, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 20; Ayes with Reservations (Chun Oakland, Espero, Gabbard, Kidani, Nishihara, Ruderman, Tokuda). Noes, 4 (Dela Cruz, Kaehele, Taniguchi, Wakai). Excused, 1 (Kouchi).

Stand. Com. Rep. No. 771 (S.B. No. 896, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 771 was adopted and S.B. No. 896, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 772 (S.B. No. 897, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 772 was adopted and S.B. No. 897, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING



COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 773 (S.B. No. 895, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 773 was adopted and S.B. No. 895, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 777 (S.B. No. 1166, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 777 be adopted and S.B. No. 1166, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“This bill increases the conveyance tax by expanding the conveyance tax on transfers to entities that may or may not have real estate transactions involved with them. As was testified in Ways and Means, this would have a deleterious effect on those small local businesses that transfer interests among and between themselves. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 777 was adopted and S.B. No. 1166, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 778 (S.B. No. 492, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 778 was adopted and S.B. No. 492, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 779 (S.B. No. 1009, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 779 was adopted and S.B. No. 1009, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO TORT LIABILITY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 782 (S.B. No. 1168, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 782 was adopted and S.B. No. 1168, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO LIMITED LIABILITY FOR MOUNTAIN CLIMBING, ROCK CLIMBING, RAPPELLING, AND BOULDERING ON GOVERNMENT LAND,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 786 (S.B. No. 1084, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 786 be adopted and S.B. No. 1084, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“I’d just like to note my opposition. I’m concerned that we’re headed down a slippery slope to vouchers.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 786 was adopted and S.B. No. 1084, S.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 Third Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (English, Espero, Green, Keith-Agaran, Nishihara, Solomon, Taniguchi, Wakai). Noes, 3 (Baker, Hee, Slom). Excused, 1 (Kouchi).

Stand. Com. Rep. No. 787 (S.B. No. 1067, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 787 be adopted and S.B. No. 1067, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“As was testified, the Commissioner of Financial Institutions has been running deficits in her department and seeks to make up for it by increasing the fees, and the fees are substantial. And it’s interesting that some of the financial institutions did not oppose these fees because they know, as we know, that fees that are leveled on any business or any financial institution eventually is going to be paid for by the person who does business with that institution – the customer. So, this is yet another attack on the cost of living and standard of living of our taxpayers. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 787 was adopted and S.B. No. 1067, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 788 (S.B. No. 1240, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 788 was adopted and S.B. No. 1240, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO PEDIATRIC DENTAL HEALTH COVERAGE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 792 (S.B. No. 899, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 792 was adopted and S.B. No. 899, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 793 (S.B. No. 898, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 793 was adopted and S.B. No. 898, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 794 (S.B. No. 505, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 794 be adopted and S.B. No. 505, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"This bill also increases and adds a new fee to the cost of the condominiums. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 794 was adopted and S.B. No. 505, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 795 (S.B. No. 213, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 795 was adopted and S.B. No. 213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUILDING CODE COUNCIL," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 799 (S.B. No. 901, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 799 was adopted and S.B. No. 901, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 800 (S.B. No. 967, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 800 was adopted and S.B. No. 967, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 801 (S.B. No. 1071, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 801 was adopted and S.B. No. 1071, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL INSTITUTIONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 802 (S.B. No. 463, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 802 be adopted and S.B. No. 463, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Madam President, a 'no' vote only because it has a special fund. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 802 was adopted and S.B. No. 463, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FILM AND DIGITAL MEDIA INDUSTRY DEVELOPMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 805 (S.B. No. 69, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 805 be adopted and S.B. No. 69, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"This bill has been all over the place. It has nothing to do with gun safety. Again, it has additional costs and registration fees and unspecified amounts to the counties for unspecified purposes. The registration that is sought in this bill, part of it is needed and was accepted by the Hawaii Rifle Association and others, but there are other parts that are not. And the whole point to this bill is that it goes far beyond the scope of what is needed and gives people a false sense of security. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 805 was adopted and S.B. No. 69, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 21; Ayes with Reservations (Solomon, Taniguchi). Noes, 3 (Keith-Agaran, Kidani, Slom). Excused, 1 (Kouchi).

Stand. Com. Rep. No. 807 (S.B. No. 885, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 807 was adopted and S.B. No. 885, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 808 (S.B. No. 668, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 808 be adopted and S.B. No. 668, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

"Again, this deals with autism. Autism is very disturbing and is a major health problem, but to mandate this, again, on everyone's insurance premiums is going to ensure that those premiums continue to go up – and autism is a very costly treatment program. Thank you."

The motion was put by the Chair and carried, Stand. Com. Rep. No. 808 was adopted and S.B. No. 668, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," having

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

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

Stand. Com. Rep. No. 809 (S.B. No. 1361, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 809 be adopted and S.B. No. 1361, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Madam President, I withdrew my reservations about two other bills that transferred two other properties to the – or, encouraged the Department of Land and Natural Resources to enter into lease negotiations with Big Island County for two other properties; these were Hapuna Beach Park and Mauna Kea Park. But I have to oppose this bill because it’s encouraging the Department of Land and Natural Resources to enter into lease negotiations for hotel properties that are leased by the State and generating revenues that are supporting some core operations for DLNR. Over the last 20 years, that department has lost a lot of its general fund funding and has had to develop special fund revenues. To deprive it of those revenues are going to come at the expense of some critical operations that I know we all support.

“I know there’s some frustration in Big Island County about the status of the property, but many of these properties are run-down because they’re nearing the end of the lease term, and lessees are not interested in investing in their properties at the end of their lease term. Transferring them to the Big Island County is not going to change that fact. I think we should explore other ideas next session that can allow the state to enter into, some way, a revitalizing of properties toward the end of the lease term. But I have to vote ‘no’ on this measure to transfer these properties to the county.”

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

“I would like to submit a letter from the Mayor of the County of Hawai‘i into the record as to the reason of why I am supporting this bill. Thank you.”

The Chair having so ordered, the letter from the Mayor of the County of Hawai‘i is identified as “**ATTACHMENT D**” to the Journal of this day.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 809 was adopted and S.B. No. 1361, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO BANYAN DRIVE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, 1 (Thielen). Excused, 1 (Kouchi).

Stand. Com. Rep. No. 810 (S.B. No. 908, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 810 was adopted and S.B. No. 908, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 811 (S.B. No. 904, S.D. 1):

Senator Ige moved that Stand. Com. Rep. No. 811 be adopted and S.B. No. 904, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“I said I would only talk on one bill, and I note sadly this is the end of the dozens of bills that we deal with for collective bargaining. So, I will be voting ‘no,’ of course, on this one as well, but I would commend my members to count up the numbers of bills that we’ve done this morning on union raises and the number of bills we’ve done that improve the business climate, create more jobs in this community and the private sector, help those private risk takers. I’ll help you: the answer is zero. Thank you, Madam President.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 811 was adopted and S.B. No. 904, S.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 812 (S.B. No. 91, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 812 was adopted and S.B. No. 91, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HOUSING,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 813 (S.B. No. 718, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 813 was adopted and S.B. No. 718, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 816 (S.B. No. 1087, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 816 be adopted and S.B. No. 1087, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

“Colleagues, this bill would make Hawai‘i the first state in the nation to use a bond structure for on-bill financing for solar and other clean energy. Other states are looking to copy this as a model for their own programs. It will allow those without top-notch credit to put PV systems on their roofs and to also pay it off over time on their monthly electric bills. It would move solar within the reach of ordinary folks. It would also allow renters, churches, and nonprofits to potentially tap into the program. In short, this would truly help us bring power to the people. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 816 was adopted and S.B. No. 1087, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO GREEN INFRASTRUCTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 817 (S.B. No. 49, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 817 was adopted and S.B. No. 49, S.D. 2, entitled: “A BILL FOR AN ACT RELATING

TO EDUCATION,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 818 (S.B. No. 757, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 818 was adopted and S.B. No. 757, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Gabbard, Slom). Excused, 1 (Kouchi).

Stand. Com. Rep. No. 819 (S.B. No. 1237, S.D. 2):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 819 was adopted and S.B. No. 1237, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 820 (S.B. No. 937, S.D. 2):

Senator Ige moved that Stand. Com. Rep. No. 820 be adopted and S.B. No. 937, S.D. 2, having been read throughout, pass Third Reading, seconded by Senator Kidani.

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

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

“Madame President and colleagues: I rise in support of SB 937, SD2.

“This bill’s purpose and intent is to promote food resiliency in our state. We are well aware of our state’s isolation and consequently, the challenges that present to our local economy. We import approximately 92 percent of our food, that we have an inventory of fresh produce enough for no more than 10 days. Ninety percent of the beef, 67 percent of the fresh vegetables, 65 percent of fresh fruits, and 80 percent of all milk are imported. We are always in a state of impending crisis should there be disruptions to our sea-borne highway.

“This bill will establish a food resiliency initiative under the D.O.A. to achieve measureable goals of food self-sufficiency, establish a food resiliency branch in the D.O.A., establish a food resiliency task force to set benchmarks for the initiative to achieve, and finally provide funding for the food resiliency initiative. The effects of achieving the goals of food resiliency will be felt by a positive economic impact, keeping money in the state by increasing farm production, lowering importation of food thereby reducing our dependency and high food and energy costs, all of which helps our bottom line in tax revenue. If we wish to make real improvement to our goal of greater self-sufficiency and thereby our state’s ability to become resilient in the face of future challenges to our food supply, this is the first of many steps we need to take. The future we seek begins today. I ask for your support for this measure. Mahalo.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 820 was adopted and S.B. No. 937, S.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HAWAII FOOD RESILIENCY,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

Stand. Com. Rep. No. 823 (S.B. No. 382, S.D. 1):

On motion by Senator Ige, seconded by Senator Kidani and carried, Stand. Com. Rep. No. 823 was adopted and S.B. No. 382, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO FUEL TAX REVENUES,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

### THIRD READING

#### MATTER DEFERRED FROM EARLIER ON THE CALENDAR

S.B. No. 286, S.D. 1:

Senator Hee moved that S.B. No. 286, S.D. 1, having been read throughout, pass Third Reading, seconded by Senator Shimabukuro.

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

“It’s with deep regret that I will be voting ‘no’ on this bill. I cannot see how I could possibly support it. As late as March 4, Monday before Third Reading, I was of the mind to vote with reservations, but unfortunately, upon contemplation and speaking with the attorney that had represented me, I find that to be impossible. I will submit my remarks to the Journal and I will be voting ‘no’ on this bill. Thank you.” (The Chair so ordered.)

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

“I was one of the four plaintiffs in *Solomon v. Abercrombie*, 126 Haw. 283, 270 P.3d 1013 (2012), who were successful in proceedings before the State Supreme Court on the reapportioning of the State Senate to add a fourth State Senate seat to the County of Hawaii.

“In effect, the decision in question by the 2011 Reapportionment Commission to include ‘nonresident military and dependents, nonresident students and incarcerated felons’ in the population data used to determine districts was overturned.

“First, let me make this clear: I am the sister of a dearly loved fallen soldier who gave his life in Vietnam for the freedoms we enjoy, and am therefore, deeply committed to protecting the rights and interests of our dedicated men and women in uniform. However, to suggest that Hawaii is dishonoring the contribution of our military forces by excluding these ‘nonresidents’ in our population base is a very effective distraction from the real truth, which is that these Americans are just that – ‘nonresidents’. They have permanent residences and loyalties to their states and – historically – they vote in their home states not in ours.

“Please understand that the question about including ‘nonresidents’ should be moot; the people of Hawaii weighed in on the issue of fair and equitable representation in the reapportionment process with the passage of a Hawaii Constitutional Amendment in 1992. That amendment changed the population base to be used for reapportionment from ‘registered voters’ to ‘permanent residents.’

“As a result, I voted nay on Senate Bill No. 286, Senate Draft No. 1, with deep regret but strong conviction.”

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

“While I certainly respect the views and the arguments of my colleague, I also respect the 108,000 military personnel who were disenfranchised last year by our Reapportionment Commission after they had voted the first time to allow them to be counted. Again, so there’s no confusion, not to vote, but to be counted for representation – so 108,000 it turns out are not being represented in any way, and that did have a political shift within the community, particularly the island of Hawai’i and the island of O’ahu.

“If this law goes into effect, it will basically define ‘permanent resident.’ The argument was that we passed a constitutional amendment 10 years ago that said that reapportionment would be based on permanent residents, and that’s true. The only problem was, it was left up to the Legislature to define the term ‘permanent resident’ – it was not defined in the constitutional amendment. And just like the issue involving same-sex marriage and marriage, the term ‘marriage’ was left up to the Legislature to define, as the Legislature has done.

“So, in this case, I think it seems only equitable for us to define – to use our legislative duties and responsibilities – and define permanent resident, and to define it the way 49 other states of the United States have defined it based on the census that’s taken April 1st every 10 years. It’s as simple or as difficult as that. It would not affect anything now and would not go into effect, really, until eight years from now during the next reapportionment. So, I urge my colleagues to vote in support of this measure. Thank you.”

The motion was put by the Chair and carried, S.B. No. 286, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO REAPPORTIONMENT,” having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23; Ayes with Reservations (Green, Hee, Kahahe, Ruderman). Noes, 1 (Solomon). Excused, 1 (Kouchi).

**WAIVER OF REFERRAL**

Senator Ige, Chair of the Committee on Ways and Means, requested that the referral of S.B. No. 10, S.D. 1 to the Committee on Ways and Means be waived.

Senator Ige noted:

“Madam President, I requested to have decision making on this measure prior to the deadline, and with the number of bills that the Ways and Means were dealing with, I did not relay that request to the staff, and therefore we missed the deadline.”

The Chair granted the waiver.

On motion by Senator Ige, seconded by Senator Kidani and carried, S.B. No. 10, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION,” was placed on the calendar for Third Reading on Thursday, March 7, 2013.

**REFERRAL OF HOUSE BILLS**

The President made the following committee assignments of House bills received on Wednesday, February 20, 2013; Thursday, February 28, 2013; and Friday, March 1, 2013:

H.B. No.:	Referred to:
H.B. No. 2	Committee on Human Services, then to the Committee on Ways and Means
H.B. No. 51	Committee on Ways and Means
H.B. No. 71	Jointly to the Committee on Higher Education and the Committee on Economic Development, Government

	Operations and Housing, then to the Committee on Ways and Means
H.B. No. 120, H.D. 2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Ways and Means
H.B. No. 152, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 154, H.D. 2	Jointly to the Committee on Agriculture and the Committee on Energy and Environment, then to the Committee on Ways and Means
H.B. No. 166, H.D. 2	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means
H.B. No. 178, H.D. 1	Committee on Human Services, then to the Committee on Commerce and Consumer Protection
H.B. No. 201, H.D. 1	Committee on Judiciary and Labor
H.B. No. 208, H.D. 1	Committee on Judiciary and Labor
H.B. No. 218, H.D. 1	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Tourism and Hawaiian Affairs
H.B. No. 266, H.D. 1	Committee on Human Services, then to the Committee on Ways and Means
H.B. No. 269, H.D. 1	Committee on Judiciary and Labor
H.B. No. 275, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 358, H.D. 1	Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 363, H.D. 2	Jointly to the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means
H.B. No. 378, H.D. 1	Jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Water and Land, then to the Committee on Ways and Means
H.B. No. 389, H.D. 1	Committee on Ways and Means
H.B. No. 410, H.D. 1	Committee on Health, then to the Committee on Judiciary and Labor
H.B. No. 424, H.D. 1	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
H.B. No. 425, H.D. 1	Committee on Ways and Means
H.B. No. 427, H.D. 1	Committee on Judiciary and Labor
H.B. No. 431	Committee on Judiciary and Labor, then to the Committee on Ways and Means

H.B. No. 432	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 632, H.D. 2	Jointly to the Committee on Technology and the Arts and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 433	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 643, H.D. 1	Jointly to the Committee on Human Services, the Committee on Higher Education, and the Committee on Education, then to the Committee on Ways and Means
H.B. No. 434	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 653	Committee on Health, then to the Committee on Ways and Means
H.B. No. 435, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 673, H.D. 2	Jointly to the Committee on Agriculture and the Committee on Energy and Environment, then to the Committee on Ways and Means
H.B. No. 450, H.D. 1	Jointly to the Committee on Energy and Environment and the Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means	H.B. No. 697	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 478, H.D. 2	Jointly to the Committee on Agriculture and the Committee on Education, then to the Committee on Ways and Means	H.B. No. 726, H.D. 1	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 488, H.D. 1	Jointly to the Committee on Water and Land and the Committee on Agriculture, then to the Committee on Ways and Means	H.B. No. 740	Committee on Human Services, then to the Committee on Judiciary and Labor
H.B. No. 494, H.D. 1	Committee on Technology and the Arts, then to the Committee on Ways and Means	H.B. No. 747, H.D. 1	Committee on Agriculture, then to the Committee on Ways and Means
H.B. No. 499, H.D. 1	Jointly to the Committee on Higher Education and the Committee on Agriculture, then to the Committee on Ways and Means	H.B. No. 750, H.D. 2	Jointly to the Committee on Higher Education and the Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 503, H.D. 1	Committee on Agriculture, then to the Committee on Ways and Means	H.B. No. 760, H.D. 1	Jointly to the Committee on Commerce and Consumer Protection and the Committee on Water and Land, then to the Committee on Ways and Means
H.B. No. 514, H.D. 2	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 762, H.D. 2	Committee on Technology and the Arts, then to the Committee on Ways and Means
H.B. No. 518, H.D. 2	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 788	Committee on Judiciary and Labor
H.B. No. 519, H.D. 1	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 800, H.D. 1	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Energy and Environment, then to the Committee on Ways and Means
H.B. No. 521	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 807	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 527, H.D. 1	Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means	H.B. No. 816	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 551, H.D. 2	Committee on Transportation and International Affairs, then to the Committee on Ways and Means	H.B. No. 820	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 560, H.D. 1	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Higher Education, then to the Committee on Ways and Means	H.B. No. 822	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 591, H.D. 1	Jointly to the Committee on Transportation and International Affairs and the Committee on Education, then to the Committee on Ways and Means		

H.B. No. 832	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 929	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 834	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 932, H.D. 1	Jointly to the Committee on Water and Land and the Committee on Energy and Environment, then to the Committee on Ways and Means
H.B. No. 850, H.D. 1	Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means	H.B. No. 964, H.D. 1	Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means
H.B. No. 868	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 983, H.D. 1	Committee on Transportation and International Affairs, then to the Committee on Ways and Means
H.B. No. 879, H.D. 2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 986, H.D. 1	Committee on Human Services, then to the Committee on Ways and Means
H.B. No. 880, H.D. 2	Committee on Human Services, then to the Committee on Ways and Means	H.B. No. 998	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor
H.B. No. 897	Committee on Health, then to the Committee on Ways and Means	H.B. No. 1080, H.D. 1	Committee on Transportation and International Affairs, then to the Committee on Ways and Means
H.B. No. 898	Jointly to the Committee on Health and the Committee on Public Safety, Intergovernmental and Military Affairs	H.B. No. 1089, H.D. 1	Jointly to the Committee on Tourism and Hawaiian Affairs and the Committee on Technology and the Arts
H.B. No. 914, H.D. 1	Committee on Health, then to the Committee on Ways and Means	H.B. No. 1112, H.D. 1	Committee on Transportation and International Affairs, then to the Committee on Ways and Means
H.B. No. 915	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1150, H.D. 1	Committee on Commerce and Consumer Protection, then to the Committee on Judiciary and Labor
H.B. No. 917	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1162	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 918, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1163	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 919	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1164	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 921	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1165	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 922, H.D. 2	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1166	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 924, H.D. 1	Committee on Judiciary and Labor	H.B. No. 1167	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 925	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1168	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 926	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1169	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 927	Committee on Judiciary and Labor, then to the Committee on Ways and Means	H.B. No. 1170	Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 928, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means		

H.B. No. 1171	Committee on Judiciary and Labor, then to the Committee on Ways and Means		Military Affairs, then to the Committee on Ways and Means
H.B. No. 1173, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means	S.C.R. No. 37	Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
H.B. No. 1174, H.D. 1	Committee on Judiciary and Labor, then to the Committee on Ways and Means	S.C.R. No. 38	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
H.B. No. 1207, H.D. 1	Committee on Human Services		
H.B. No. 1279, H.D. 1	Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means	S.C.R. No. 39	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Judiciary and Labor, then to the Committee on Ways and Means
H.B. No. 1317	Jointly to the Committee on Tourism and Hawaiian Affairs, the Committee on Human Services, and the Committee on Education, then to the Committee on Ways and Means	S.C.R. No. 40	Committee on Water and Land, then to the Committee on Ways and Means
H.B. No. 1339, H.D. 1	Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means	S.C.R. No. 41	Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means
H.B. No. 1354, H.D. 1	Committee on Higher Education, then to the Committee on Ways and Means	S.C.R. No. 42	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs
H.B. No. 1365	Committee on Economic Development, Government Operations and Housing, then to the Committee on Ways and Means	S.C.R. No. 44	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor
H.B. No. 1375	Committee on Human Services, then to the Committee on Ways and Means		
H.B. No. 1392, H.D. 1	Jointly to the Committee on Higher Education and the Committee on Technology and the Arts, then to the Committee on Ways and Means	S.C.R. No. 45	Jointly to the Committee on Technology and the Arts, the Committee on Education, and the Committee on Higher Education, then to the Committee on Ways and Means
H.B. No. 1396, H.D. 1	Jointly to the Committee on Technology and the Arts and the Committee on Water and Land, then to the Committee on Ways and Means	S.C.R. No. 46	Committee on Water and Land, then to the Committee on Ways and Means
H.B. No. 1409, H.D. 1	Jointly to the Committee on Agriculture and the Committee on Energy and Environment, then to the Committee on Ways and Means	S.C.R. No. 47	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Technology and the Arts
H.B. No. 1423, H.D. 1	Committee on Water and Land, then to the Committee on Ways and Means	S.C.R. No. 48	Jointly to the Committee on Judiciary and Labor and the Committee on Public Safety, Intergovernmental and Military Affairs
H.B. No. 1424	Committee on Water and Land, then to the Committee on Ways and Means		
H.B. No. 1432, H.D. 1	Committee on Human Services, then to the Committee on Ways and Means	S.C.R. No. 49	Committee on Education, then to the Committee on Ways and Means
		S.C.R. No. 50	Committee on Health, then to the Committee on Commerce and Consumer Protection

**REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

The President made the following committee assignments of Senate concurrent resolutions offered on Wednesday, February 20, 2013; and Thursday, February 28, 2013:

S.C.R. No.:	Referred to:	S.C.R. No. 51	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs, the Committee on Transportation and International Affairs, and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means
S.C.R. No. 36	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and		



**REFERRAL OF SENATE RESOLUTIONS**

The President made the following committee assignments of Senate resolutions offered on Wednesday, February 20, 2013; and Thursday, February 28, 2013:

S.R. No.:	Referred to:
S.R. No. 17	Jointly to the Committee on Economic Development, Government Operations and Housing and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Ways and Means
S.R. No. 18	Jointly to the Committee on Energy and Environment and the Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.R. No. 19	Committee on Commerce and Consumer Protection, then to the Committee on Ways and Means
S.R. No. 20	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs
S.R. No. 22	Jointly to the Committee on Transportation and International Affairs and the Committee on Public Safety, Intergovernmental and Military Affairs, then to the Committee on Judiciary and Labor
S.R. No. 23	Jointly to the Committee on Technology and the Arts, the Committee on Education, and the Committee on Higher Education, then to the Committee on Ways and Means
S.R. No. 24	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs and the Committee on Technology and the Arts
S.R. No. 25	Jointly to the Committee on Judiciary and Labor and the Committee on Public Safety, Intergovernmental and Military Affairs
S.R. No. 26	Committee on Education, then to the Committee on Ways and Means
S.R. No. 27	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Ways and Means
S.R. No. 28	Committee on Health, then to the Committee on Commerce and Consumer Protection
S.R. No. 29	Jointly to the Committee on Public Safety, Intergovernmental and Military Affairs, the Committee on Transportation and International Affairs, and the Committee on Tourism and Hawaiian Affairs, then to the Committee on Ways and Means

**REFERRAL OF A HOUSE CONCURRENT RESOLUTION**

The President made the following committee assignments of a House concurrent resolution received on Thursday, February 28, 2013:

H.C.R. No.:	Referred to:
H.C.R. No. 14	Jointly to the Committee on Energy and Environment, the Committee on Water and Land, and the Committee on Public Safety, Intergovernmental and Military Affairs

**ADJOURNMENT**

At 12:42 p.m., on motion by Senator Espero, seconded by Senator Slom and carried, the Senate adjourned until 11:30 a.m., Thursday, March 7, 2013.

**ATTACHMENT A**



The Senate  
STATE CAPITOL  
HONOLULU, HAWAII 96813

July 15, 2011

**MEMORANDUM**

TO: Honorable Rosalyn Baker  
Senator, 5th District

FROM: Leila Rothwell Sullivan *[Signature]*  
Senate Majority Research Office

RE: Ethics Commission

**QUESTIONS PRESENTED**

The questions presented for analysis in this memorandum are:

- (1) Whether the State Ethics Commission is correct in its assertion that members of a task force are state "employees" for purposes of the State Ethics Code and, therefore, prohibited from engaging in paid legislative advocacy for legislation or issues related to the work of the task force; and
- (2) Whether the State Ethics Commission may prohibit the convening of a task force because it anticipates that the task force members will engage in paid advocacy for legislation or issues related to the work of the task force.

**SHORT ANSWER**

- (1) The State Ethics Commission is erroneous in its determination that members of a task force are state "employees" for purposes of the Ethics Code, despite the Ethics Commission's long-standing practice of defining task force members as "employees" and reliance on that definition as precedent in issuing opinions.

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- (2) The State Ethics Commission may not prohibit the convening of a task force due to any type of anticipated or projected potential violation of the State Ethics Code.

**BACKGROUND**

At issue in the present case are two Ethics Commission opinions or assertions regarding the applicability of chapter 84, Hawaii Revised Statutes ("HRS") (the "Ethics Code"), to two legislatively created task forces. The first involves the participation in the Mortgage Foreclosure Task Force ("Task Force") established by Act 162, Session Laws of Hawaii 2010, of certain individuals who are employed by private agencies, organizations, or industry groups involved with the mortgage industry and who also present testimony to or lobby the Legislature on behalf of their employers or industry groups. In a memorandum to members of the Mortgage Foreclosure Task Force (the "Ethics Commission memorandum"), apparently issued sua sponte by Leslie H. Kondo, the Executive Director and General Counsel of the Ethics Commission ostensibly on behalf of the Ethics Commission, opined that Task Force members are prohibited by the Ethics Code from testifying or lobbying before the Legislature on any matter in which the Task Force participated or will participate.

The second involves the apparent communication from a staff person or other individual representing the Ethics Commission to the Department of Commerce and Consumer Affairs regarding the legislatively created working group established in Senate Concurrent Resolution No. 134 (2011) ("SCR 134") ("Working Group"), created to investigate the creation of a locally focused, Hawaii-based stock exchange. This communication from the Ethics Commission prohibited the creation of the working group, presumably on the basis that potential members may violate the Ethics Code.

**ANALYSIS**

**A. Application of State Ethics Code to Task Force Members**

Chapter 84, HRS, prescribes a code of ethics for elected officers and public employees of the State, as mandated in article XIV of the Hawaii State Constitution. Chapter 84, HRS, applies "to every nominated, appointed, or elected officer, employee, and candidate to elected office of the State and for election to the constitutional convention, but excluding justices and judges . . ." HRS § 84-2.

"Employee" is defined in section 84-3, HRS, as follows:

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"Employee" means any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State or of the constitutional convention, but excluding legislators, delegates to the constitutional convention, justices and judges.

One of the provisions of the Ethics Code, section 84-14, HRS, prohibits conflicts of interest on the part of state employees. Among other specified prohibited conduct, section 84-14(d), HRS, states:

No . . . employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which he has participated or will participate as [an] . . . employee, nor shall he assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature or agency of which he is an employee . . . .

1. The plain language of the definition of "employee" in section 84-3, HRS, does not include members of task forces for purposes of the State Ethics Code.

The Ethics Commission memorandum to the members of the Task Force states that the Ethics Commission interprets the definition of an "employee" as defined in the State Ethics Code, to include volunteer members of a legislatively created task force. "Employee" is defined in section 84-3, HRS, as follows:

"Employee" means any nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and employees under contract to the State or of the constitutional convention, but excluding legislators, delegates to the constitutional convention, justices and judges.

In reaching its conclusion, the Ethics Commission memorandum emphasizes the phrase "including members of boards, commissions, and committees". However, that clause does not stand alone, but rather modifies "any nominated, appointed, or elected officer or employee of the State". See, e.g., *Argo Oil Corp. v. Lathrop*, 72 N.W.2d 431, 434 (S.D. 1955) (stating that when used in statutes, "the term 'including' is not one of all-embracing definition, but connotes simply an illustrative application of the general principle"). Accordingly, only an officer or

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employee of the State who is "nominated, appointed, or elected" falls within this definition.

Thus, there are two requirements that must be met before an individual is subject to the Ethics Code as an "employee": (1) the individual must have been "nominated, appointed, or elected", and (2) the individual must be an officer or employee of the State. Failure to satisfy either of these requirements means that the person is not an "employee" for purposes of the Ethics Code, HRS § 84-3, and the Ethics Code is not applicable to that individual, HRS § 84-1. Task Force members fail both tests.

- a. Nomination or appointment. The inclusion of task force members in the definition of "employee" fails because task force members are not nominated, appointed, or elected.

Within the Hawaii Revised Statutes, the Legislature consistently uses the terms "nomination" and "appointment" as terms of art and not generically. *Agustin v. Dan Ostrow Const. Co., Inc.*, 64 Haw. 80, 82, 636 P.2d 1348, 1351 (1981) ("Words or phrases used in two or more sections of a statute are presumed to be used in the same sense throughout[.]"). These terms are also used specifically within the Hawaii State Constitution. See, e.g., Haw. State Const., art. 3, section 8; *id.* at art. V, sec. 6; *id.* at art. 6, section 3. The Legislature may confer the power to appoint by statute, *id.* at art. V, sec. 6, and, when that occurs, the authority to appoint is expressly articulated using that term. For example, selection and hiring of civil service employees and other public employees are referred to as "appointments" by an "appointing authority" in chapters 76 and 78, HRS. Vacancies in the Senate are filled by appointment by the Governor, HRS §17-3. Nominated and appointed member of boards and commissions that are established by law are nominated and then appointed by the Governor. See HRS §26-34 ("The members of each board and commission established by law shall be nominated and, by and with the advice and consent of the senate, appointed by the governor."). Other positions established by statute refer to the person authorized to fill the position as having the power to "appoint" the person.<sup>1</sup> Thus, the

<sup>1</sup> See, e.g., HRS § 11-16 (authorizing the Elections Commission to appoint the Chief Elections Officer); HRS § 53-5 (authorizing county redevelopment agencies to appoint a manager and deputy manager, and expressly giving the manager the "power to appoint" other employees, subordinates, and assistants); HRS § 89A-1 (establishing the position of Chief Negotiator for the State, and authorizing the Governor to appoint the Chief Negotiator and deputy negotiators); HRS § 231-83 (authorizing the Director of Taxation to appoint investigators and other staff); HRS § 323F-8 (authorizing the Board of Directors of the Hawaii Health Systems Corporation to appoint a chief executive officer of the corporation, and authorizing the chief executive officer to appoint other personnel).

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Legislature's use of the term "appoint" confers the substantive authority to appoint.

When the Legislature establishes a board, commission, advisory committee, or other committee, the Legislature is generally very specific about any appointment and nomination process for the members of that entity. When the Legislature establishes a legislative task force, it is equally specific in omitting appointment authorization language, instead referring to the "selection" of task force members or simply requiring the convening agency to include members from specified representative organizations or industries.<sup>2</sup> For the Task Force, the Legislature specified that the members would be "selected" and "invited".<sup>3</sup>

Similarly, the Hawaii Revised Statutes (and the Hawaii State Constitution) consistently uses the term "nomination" as the selection of an individual who is later appointed or elected. The term is used when (1) the selection is made by a different person or entity than the person who appoints; or (2) the selection must be confirmed by another person or body, such as the Senate. Not only is the term "nomination" not used in Act 162, but neither situation is applicable here.

Accordingly, no appointment authority was given to the Department of Commerce and Consumer Affairs for Task Force members, and, thus, Task Force members were not appointed (or nominated) for purposes of the Ethics Code.

- b. Officers or employees. The inclusion of Task Force members in the definition of "employee" also fails because Task Force members are not officers or employees of the State.

<sup>2</sup> Compare Act 52 (2009) ("There is established an aerospace advisory committee within the office of aerospace development of the department of business, economic development, and tourism for administrative purposes. The committee shall be composed of sixteen members appointed by the governor, as provided in section 26-34, except as otherwise provided in this section"); Act 71 (2009) ("There shall be a policy advisory board on veterans' services within the office of veterans' services. The board shall consist of nine members appointed by the governor as provided in section 26-34."); with Act 125 (2010) (requiring the Chair of the Board of Pharmacy to establish a task force, comprised of certain representatives of businesses and industries, without authorizing appointment of task force members or referencing section 26-34); Act 54 (2009) ("There is established a temporary task force, exempt from section 26-34, Hawaii Revised Statutes, . . . . The members of the task force shall be selected by the director of transportation").

<sup>3</sup> See Act 162 ("The director of commerce and consumer affairs shall select the initial members of the task force and shall invite . . .").

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Initially, it should be noted that the Task Force members are not employees of the State, because there is no employee-employer relationship between the State and Task Force members.

Regarding whether Task Force members are "officers" of the State, it is black letter law that a "public officer" is one who holds a public office. 63C Am. Jur.2d Public Officers and Employees §9 (2009); Territory v. Wills, 25 Haw. 747 (1921). "State officers are those who receive authority under the laws of a state and perform some of the governmental functions of the state" or perform "some sovereign power for the public's benefit[.]" 63C Am. Jur.2d Public Officers and Employees at § 17, 2. Public officers engage in policy and decision making on behalf of the State and are imbued with the authority of the State. See, e.g., Gibson v. Soper, 5 Haw. 383 (1885). In performing "some sovereign power for the public's benefit", 63C Am. Jur.2d Public Officers and Employees at § 2, the public officer acts on behalf of the State, essentially wearing the "hat" of the State.

This is exemplified by members of boards and commissions. Board and commission members act on behalf of the State, performing adjudicatory, management, and decision making functions. A board or commission may be authorized to make rules, to enact policy, to contract for goods or services, and to take other official action. Members of boards and commissions are vetted by the Governor and the Senate to assure that they are able to perform these sovereign functions on behalf of the State and that they can be impartial in the performance of these functions, because they have public duties that may conflict with private interests. By performing state functions on behalf of the State, members of boards and commissions represent the State to third parties and may bind the State.

By contrast, task force members do not act on behalf of the State. They perform no adjudicatory or decision-making actions, and they do not bind the State. Task force members are selected and invited onto the task force to advocate for their private or professional positions. They are selected to represent the point of view of a particular industry or business and to bring their knowledge and perspective to assist the task force in its information-gathering and recommendation-making functions. Task force members are not required to be impartial, because it is their partiality in representing their industry or business that makes their input valuable. They do not represent the State in actions with third parties, have no authority to make concrete decisions regarding the rights of others, and cannot bind the State. There is no potential for a conflict of interest, because they do not have a public duty with which their private interests can conflict. Thus, because Task Force members do not exercise

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sovereign powers of the State or act on behalf of the State, they do not constitute officers of the State.

Accordingly, the plain language of the definition of "employee" excludes task force members because (a) they are not nominated, appointed, or elected, and (b) they are not "public officers" because they do not exercise any sovereignty of the State or act on its behalf. As Task Force members do not satisfy the two tests for an "employee" under section 84-3, HRS, they are not subject to the Ethics Code.

2. **The legislative history of the State Ethics Code indicates that task force members were not intended to be included in the application of the State Ethics Code.**

The legislative history of the Ethics Code supports this interpretation.

The Ethics Code was enacted by the Legislature through Act 163, Session Laws of Hawaii 1972. Revisions to the Ethics Code were subsequently made pursuant to the Ethics Code by, among other things, Act 245, Session Laws of Hawaii 1978, in response to the amendments to article XIV of the Hawaii State Constitution by the 1978 Constitutional Convention, which attempted to strengthen, broaden, and protect the system of ethics regulation in Hawaii.

During consideration of the legislation that would become Act 163, the Senate Committee on Public Employment issued Standing Committee Report No. 670-72, which found that laws purporting to regulate the avoidance of conflicts of interest should not be overly broad so that "competent people will be discouraged from serving." Senate Standing Committee Report No. 670-72, Senate Journal, 6th Leg., Second Regular Session, April 10, 1973, pp 1034-1037, cited in Tangen v. State Ethics Commission, 550 P.2d 1275 (Haw. 1976). Further, the Legislature appears to have intended that the definition of "employee" in chapter 84, HRS, apply to full-time "administrator" employees of the State. Senate Standing Committee Report No. 670-72 at 1035. For example, in Senate Standing Committee Report No. 670-72, the Senate Committee on Public Employment considered the applicability of the Ethics Code to part-time legislators. Id. at 1035. In doing so, it distinguished between the situations of part-time legislators and full-time state employees. "The representative function [of a legislator] is not identical to that of a full-time state employee; different things are expected from different positions and the ethics applied must differ accordingly. It is also plain that the ethics applied to a full-time employee may not be fair when applied to a part-time legislator." Id. (emphasis in the original).

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Moreover, the Legislature also made clear that the Ethics Code was intended to be a "conflict-of-interest statute", intended to "prohibit conflicts of interest which are most damaging to the standards of good government[.]" Id. It also underscores that the inclusion of the reference to boards and commissions within the Ethics Code was intended to reach "regulatory boards and commissions." Id. (emphasis added). "It is not necessarily the conflict of competing interests which should be prohibited, but any unethical actions arising out of them." Senate Standing Committee Report No. 670-72 at 1035.

In 1978, the Constitutional Convention convened, and one of the issues it considered was the Ethics Code. The Committee on Ethics, in considering revisions to article XIV, section 5 of the Hawaii State Constitution, relating to Codes of Ethics, initially relayed its belief that the subject of ethics in government is one of great importance:

Because the Constitution organizes the powers and procedures of government, 'governing those who govern,' your Committee believes that it is logical and essential that the Constitution contain some basic guidelines as to the form of ethics regulation that shall apply to those who govern.

Stand. Comm. Rep. No. 26 in Proceedings of the Constitutional Convention of 1978, at 565 (1980) (emphasis added).

As described above, the Task Force does not "govern." It performs no regulatory functions, nor do its members have even the potential for a conflict of interest, because the members do not have a public duty that would be subject to competing private interests. Their responsibilities as Task Force members comprise advocating for their private and professional positions with other Task Force members. There cannot be a conflict of interest and, thus, the intent of the Ethics Code, to promote good government by assuring that those who govern are ethical and do not engage in unethical actions, is simply inapplicable to the Task Force.

By contrast, a board or commission (two bodies that are specifically included within the scope of the Ethics Code) is a permanent or semi-permanent entity existing within the Executive Branch of the State's government pursuant to statute. HRS §§ 26-34 – 26-36. In addition, boards and commissions take official action such as interpreting the existing law and applying it to persons including state licensees, entities participating in regulated industries, and government bodies. Both the official public vetting of members and the regulatory function exercised by boards and commissions on behalf of the State give those bodies an entirely different character than that of a task force.

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Because these entities have regulatory functions, a conflict of interest by their members is possible. Accordingly, it is reasonable that these entities would be included within the scope of the Ethics Code. It appears that this was the intent and understanding of the Legislature when enacting the Ethics Code, which mirrors language stemming from the Hawaii State Constitution.

**3. The definition of "employee" cannot be expanded through a liberal construction.**

The Ethics Commission memorandum relies on language in section 84-1, HRS, which states that the Ethics Code shall be "liberally construed to promote high standards of ethical-conduct in state government." Pursuant to this provision, the Ethics Commission has liberally construed the definition of "employee" under the Ethics Code to include task force members. However, as noted above, the plain language of the definition of "employee" does not include members of task forces who are not nominated, appointed, or elected and who are not public officers or employees because they do not exercise the sovereignty of the State. Because the definition of "employee" is plain and unambiguous, the definition of "employee" is not subject to construction, liberal or otherwise. See Territory v. Narimatsu, 41 Haw. 398 (1956) ("Where the language of the statute must be given effect according to its plain and obvious meaning."); Accordingly, the definition of "employee" cannot be liberally construed to expand its plain meaning to include individuals who are specifically not included within its scope.

Further, even assuming hypothetically that the definition of "employee" were not plain and unambiguous, a liberal construction would not allow the Ethics Commission to add elements that were not in the definition, but would only allow the Ethics Commission to construe existing language. See also Director, Office of Workers' Compensation Programs, Dept. of Labor v. Newport News Shipbuilding and Dry Dock Co., 514 U.S. 122, 135-36 (1995) ("[The] principle [of liberal construction] may be invoked, in case of ambiguity, to find present rather than absent elements that are essential to operation of a legislative scheme; but it does not add features that will achieve the statutory 'purposes' more effectively."); Rapanos v. U.S., 547 U.S. 715, 752 (2006) ("We have often criticized that last resort of extravagant interpretation").

Moreover, the precept of liberal construction of the Ethics Code was not intended to enlarge the scope of individuals who might be subject to the Ethics Code. The addition of the "liberal construction" portion of the Ethics Code arose from the amendment to article XIV, of the Hawaii State Constitution that added the liberal construction provision in 1978. The Constitutional Convention Committee on Ethics stated that this provision was included "to convey that high standards of ethical conduct are to be expended from public officers and employees, and that

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ethics codes are mandated to promote such standards." Stand. Comm. Rep. No. 26 in Proceedings of the Constitutional Convention of 1978, at 566. This same Committee debated the expansion of the scope of the constitutional provisions regarding the ethics code, but only as it related to legislators, judges and justices, lobbyists, and constitutional convention delegates. However, the Committee's understanding of the purpose of the Ethics Code is to establish ethic guidelines "that shall apply to those who govern." Id. at 565. Accordingly, the addition of the "liberal construction" provision in article XIV, of the Hawaii State Constitution (which is mirrored in section 84-1, HRS) was not intended to broaden who may be subject to an ethics code, but rather to promote high standards of the Ethics Code through interpretation of the existing standards themselves.

Accordingly, the definition of "employee" under section 84-3, HRS, is not subject to construction. Additionally, by applying a liberal construction of the term "employees" to enlarge the types of individuals subject to the Ethics Code beyond what was intended by the constitutional convention members and the Legislature, the purpose of the Ethics Code is being confounded.

**4. Including task force members within the scope of the Ethics Code frustrates the will of the Legislature and the public policy purposes in establishing task forces.**

The specific authority to convene a task force or to define its operations is not found in either the Hawaii State Constitution or the Hawaii Revised Statutes. Rather, in the exercise of the Legislature's inherent legislative powers pursuant to article III, section 1 of the Hawaii State Constitution, the Legislature authorizes task forces on an ad hoc basis to perform an information-gathering function, specifically to investigate certain policy issues and to make non-binding recommendations to the Legislature for proposed future laws. In establishing task forces, the Legislature brings together stakeholders and those who may come to the Legislature to testify or petition legislators regarding legislation in order to give these individuals and representatives an opportunity to discuss their divergent views and to make recommendations to the Legislature. It is not unusual that these stakeholders may also act as lobbyists for their particular business or interests, because often, it is lobbyists who have the necessary expertise and are in the best position to advocate and make recommendations to the Legislature. During task force meetings, members share information and viewpoints and hammer out compromises on complicated legislative issues. Essentially, these task force meetings serve as a prescreening of legislative committee meetings, saving legislators time by creating recommendations that are intended to address the respective concerns of stakeholders. During the legislative session, members of the public and these and other stakeholders may comment on and request amendments or changes to the task force's

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recommendation. However, the task force's recommendation serves as an important starting point for the Legislature.

By placing restrictions on prospective task force members that were not intended by the Legislature when creating the Ethics Code, prospective task force members will be dissuaded from serving on these important legislative task forces. Under the Ethics Commission's construction, prospective task force members would be prohibited from testifying in their individual capacities but may testify as task force members. Especially in cases where a prospective member represents a minority view on the task force, it may be more beneficial for the potential member to wait until the legislative session to comment on the recommendations of the task force rather than be constrained from testifying in that member's private or professional capacity. Thus, the Ethics Commission's construction discourages rather than encourages cooperation and discussion among potential task force members and thwarts the Legislature's intent in bringing groups together to hash out their differences before the legislative session.

The Ethics Code is intended to support and promote good government. One of the underpinnings of good government is encouraging the public to participate in the public sphere. The Legislature holds public hearings not only to promote public involvement and transparency, but also to obtain critical input regarding legislation before it. By unduly expanding the application of the Ethics Code to task force members who were never intended to be included within its application, this significant source of public input is jeopardized. The result is not only the frustration of the Legislature's intent and will, but also of the public.

As stated by the United States Supreme Court in Rodriguez v. United States, 480 U.S. 522, 526 (1987):

Deciding what competing values will or will not be sacrificed to the achievement of a particular objective is the very essence of legislative choice, and it frustrates rather than effectuates legislative intent simplistically to assume that whatever furthers the statute's primary objective must be the law. Where, as here, the language of a provision is sufficiently clear in its context and not at odds with the legislative history, there is no occasion to examine the additional considerations of policy that may have influenced the lawmakers in their formulation of the statute.

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**5. Prior interpretations by the Ethics Commission that support this interpretation are incorrect and should be disregarded.**

It should be noted that the Ethics Commission's incorrect interpretation of the term "employee" may be based upon an earlier advisory opinion. See State Ethics Commission Opinion No. 267, August 27, 1976. In that opinion, the Ethics Commission unquestioningly equated a task force with a "state board". As discussed above, a task force is not analogous to a "state board" or commission.

Further, it is unclear from the opinion whether the task force member subject to the opinion actually met the definition of "employee", as the Ethics Commission did not engage in any analysis regarding that issue. While it does appear that the task force may have exercised sovereign power, because it was responsible for "initiating studies and experimental programs", the opinion is otherwise unavailing. Accordingly, any broad reliance by the Ethics Commission on this opinion appears misplaced. Moreover, as discussed above, because a task force is not analogous to a "state board" or commission, the opinion should be disregarded to avoid this type of erroneous reliance in the future. See TIG Ins. Co. v. Kauhane, 101 Hawaii 311, 67 P.3d 810 (Haw. Ct. App. 2003) (stating that "an interpretation by an agency of a statute it administers is not entitled to deference if the interpretation is plainly erroneous and inconsistent with both the letter and intent of the statutory mandate") (internal quotation marks, brackets, and citations omitted).

**6. Accordingly, because Task Force members are not subject to the Ethics Code, they are not prohibited by the Ethics Code from testifying or lobbying before the Legislature on any matter in which the Task Force participated or will participate.**

As explained above, the Ethics Code does not apply to Task Force members by virtue of their participation on the Task Force because participation on the Task Force does not render them "employees" as defined in section 84-3, HRS. Further, section 84-1, HRS, does not include Task Force members within its scope based on their membership. Accordingly, section 84-14(d), HRS, which prohibits an "employee" from being paid to assist or represent another person or business on a matter in which the employee has participated or in which he or she will participate does not apply to Task Force members.

**B. Forbidding the Convening of the Working Group**

**1. The Working Group members are also not subject to the Ethics Code pursuant to their service on the Working Group.**

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As described above, the Ethics Code is not applicable to task force members. Similar to the Task Force, Senate Concurrent Resolution No. 134, which requests the Department of Commerce and Consumer Affairs to convene a working group to investigate the creation of a locally focused, Hawaii-based stock exchange, contains no appointment powers. Instead, potential groups from which Working Group members may be drawn are specified, and the Commissioner of Financial Institutions is requested to identify "other participants". Further, the Working Group members are not public officials or employees because, as Working Group members, they are not authorized to exercise any sovereign power. Rather, they are requested to investigate and to develop recommendations for legislation. Accordingly, pursuant to section 84-3, HRS, the Working Group members are not subject to the Ethics Code.

Thus, the Ethics Commission's instruction to the Department of Commerce and Consumer Affairs to not convene the Working Group is based on an erroneous interpretation of the Ethics Code.

**2. The Ethics Commission has no power or authority to forbid the convening of the Working Group.**

It is also beyond the power of the Ethics Commission to forbid the convening of the Working Group based on the potential of a conflict of interest by its proposed members. When the Ethics Commission instituted a ban on convening the Working Group, it appears to have assumed that (a) the mere service on the Working Group by any person who could potentially be a member would constitute a per se violation of the Ethics Code and (b) that the Ethics Commission has the power to enjoin or prohibit the convening of the Working Group. Neither is true.

Nothing contained in the Ethics Code authorizes or empowers the Ethics Commission to take the position that presumes and predetermines, without any evidence of violation, that every potential member of the Working Group is automatically guilty of a conflict of interest or other violation of the Ethics Code, such that even to convene the Working Group is prohibited. The Ethics Code, however, does not make or permit this assumption. By contrast, the Ethics Code regulates conduct. Section 84-13, HRS, contains prohibitions on the use of an official's position to secure certain advantages due to the position. Section 84-14, HRS, prohibits an employee from taking official action under circumstances where the employee has a direct financial interest. Nowhere in the Ethics Code is it a violation to simply have competing interests—it is how these competing interests are dealt with that are the subject of the Ethics Code.

Additionally, the Ethics Code does not authorize the Ethics Commission to forbid the convening of a task force on the basis that a violation might occur. Pursuant

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to section 84-31, HRS, the Ethics Commission is authorized to investigate alleged violations of the Ethics Code that have already occurred. The only prospective power given to the Ethics Commission is that it may render advisory opinions as to whether the facts and circumstances of a particular case constitute or will constitute a violation of the Ethics Code. But such opinions, while prospective, do not authorize the Ethics Commission to forbid the creation of the Working Group in speculation that convening the Working Group may create circumstances where a violation of the Ethics Code may occur. See In re Advisory Opinion to the Governor, 732 A.2d 55 (R.I. 1999) (holding that the ethics commission could not institute a prophylactic restriction because a member of the State Assembly could engage in ethically improper conduct, without regard to whether the member actually engages in such conduct). Thus, the Ethics Code does not authorize the Ethics Commission to forbid the convening of the Working Group.

The instant case is similar to Louisiana Milk Commission v. Louisiana Commission on Governmental Ethics, 298 So.2d 285 (La. Ct. App. 1974). In that case, the Louisiana Commission on Governmental Ethics (the "Ethics Commission") investigated the structure and organization of the Louisiana Milk Commission ("Milk Commission"). The Ethics Commission issued an opinion stating that there was an "irreconcilable conflict between legislative expressions". Specifically, the Louisiana law that established the Milk Commission required that its membership include four individuals who engage in businesses that are vitally affected by the Milk Commission's actions (specifically, three milk processors and one dairy farmer), and the Louisiana ethics laws prohibited a member of a board or commission from engaging in the business regulated or controlled by the board or commission on which the member serves. In reconciling these two laws, the Ethics Commission concluded that the ethics laws prevailed and thus prohibited membership on the Milk Commission of persons regulated generally by the Milk Commission. The Ethics Commission's opinion then mandated that the four milk industry representatives either resign from the Milk Commission or divest themselves of any interest in the business regulated generally by the Milk Commission. The Milk Commission and the four milk industry representatives (collectively, the "plaintiffs") subsequently filed a declaratory action and sought injunctive relief.

The Ethics Commission took the position that the Louisiana legislature gave it authority to override legislation which was passed prior to its creation. The Louisiana Appellate Court disagreed. "Nowhere in the act creating the Ethics Commission can any authority be found which gives to the Ethics Commission the power to change any act passed by the legislature. Since there is no authority for the Ethics Commission to change the qualifications of the members of the Milk Commission, it certainly follows that the Ethics Commission was

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attempting to perform an ultra vires act, namely, to usurp the power of the legislature."

The concurrence to this opinion highlighted that the make-up of the Milk Commission's membership was the Legislature's choice. "This does not, per se, create a conflict of interest."

In the instant case, even assuming that the Ethics Commission's interpretation of the definition of "employee" was correct and that the Working Group members were subject to the Ethics Code, it is still beyond the power of the Ethics Commission to forbid the convening of the Working Group. As in the Milk Commission case, the Ethics Commission does not have the power to change or repudiate the qualifications of the Working Group as expressed by the Legislature, nor to resolve any perceived conflict between the Ethics Code and SCR 134 in favor of abolishing the latter. By stepping in and rejecting the Legislature's acts, the Ethics Commission was "attempting to perform an ultra vires act, namely, to usurp the power of the legislature."

**CONCLUSION**

The Ethics Commission has misinterpreted the plain language of the Ethics Code to include Task Force members in the definition of "employee," thereby incorrectly applying Ethics Code restrictions on paid lobbying on behalf of others to Task Force members. Moreover, the legislative history of the Ethics Code does not support the Ethics Commission's interpretation of the definition of "employee". While the Ethics Commission relies on the provision that the Ethics Code be "liberally construed," this statutory construction guideline is not available to contravene the plain language of the Ethics Code or use it to add in elements that are missing from the Ethics Code to further its interpretation. Additionally, the Ethics Commission is not authorized to forbid the convening of the Working Group, based on the potential of a conflict of interest by its proposed members.

These interpretations and actions by the Ethics Commission violate public policy and usurp the power of the Legislature to convene these types of task forces.

If you have any questions regarding this matter, please do not hesitate to contact our office at 586-6770.

Approved: \_\_\_\_\_

  
Richard Wada  
Senate Majority Attorney

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ATTACHMENT B

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February 14, 2013

The Honorable Clayton Hee  
Hawaii State Capitol, Room 407  
415 South Beretania Street  
Honolulu, Hawaii 96813

Re: S.B. No. 893, Relating to Ethics

Dear Senator Hee:

I am writing this letter in light of yesterday's article in the Honolulu Civil Beat entitled, "Are Hawaii Lawmakers Protecting A Lobbyist From the Ethics Code?" I am writing not to take issue with the article, as I believe it is a fair article on the subject. However, it appears evident to me that the situation surrounding the above bill requires more extensive elaboration. The problem that S.B. 893 seeks to address is very complex, and thus warrants further discussion.

First of all, let me explain my views regarding the interpretation of Hawaii Revised Statutes (HRS) section 84-14(d). This is a provision of the State Ethics Code, set forth in chapter 84, HRS. It is one of the most difficult provisions of the State Ethics Code to interpret, basically because of the way it is written. HRS section 84-14(d) reads as follows:

*"(d) No legislator or employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the legislator or employee has participated or will participate as a legislator or employee, nor shall the legislator or employee assist any person or business or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the legislature or agency of which the legislator or employee is an employee or legislator."*

**The second of the two restrictions in HRS section 84-14(d).** This provision of the State Ethics Code, HRS section 84-14(d), has two restrictions. I will discuss the second restriction first, as it is more common and clearer to apply. The second restriction is that a legislator or state employee cannot be **paid or compensated** by a person or business to either (1) assist or (2) "act in a representative capacity" for a person or business (i.e., third party) on certain matters described in HRS 84-14(d) that are **before** (i.e., pending before) the board or state agency **the legislator or state employee is a member of**.

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For example, if one is a state employee in the Department of Health, that employee cannot **assist or act in a representative capacity** for a person or business for pay or compensation before the Department of Health, say, on a contract the Department of Health will be awarding.

**Meaning of the phrase "act in a representative capacity".** The meaning of the phrase "act in a representative capacity" generally means to appear physically before an agency, or contact the agency by phone, letter, or email, etc. The main thrust of the phrase is "personal" representation, where one's representation is obvious to the state agency or board.

**Meaning of the term "assist".** "Assist" can of course mean to assist in person. It can also mean to "assist" a person or business under circumstances in which the particular state agency or board is **not aware** of the assistance. This is a more common violation of HRS section 84-14(d). For example, The Department of Health was once in the process of awarding a contract. A Department of Health employee knew the details surrounding the award. The state employee went to a business or was solicited by the business, and for pay, told the business what to say in its bid to assure winning the contract. This was an actual case I handled.

In another case, which is public, the University of Hawaii was interested in selling a research vessel. Certain University employees were involved in the sale, and were told that the price of the vessel was a certain amount and would be advertised at that amount, but the University would take a lesser amount in actuality in negotiations, if necessary to sell the vessel. A University employee privy to this information and helping in the sale formed a company with others to buy the research vessel. The company was told by the University employee that the University of Hawaii would accept a lesser amount than the amount it advertised. Again, this was a case I handled.

In many cases, the Commission **does not know that illegal assistance is taking place**. Such assistance is kept quiet because the state employees know it is wrong, generally. In cases of personal representation, the state employee is generally unaware of HRS section 84-14(d), and when told, stops the behavior that violates this law. Such an employee may be subject to enforcement action by the State Ethics Commission ("Commission") if the situation warrants.

Again, these types of cases, where a state employee deals on behalf of a person or business vis-à-vis his or her own agency or board are very common and part and parcel of the daily work of the Commission.

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**The first of the two restrictions in HRS section 84-14(d).** Cases involving the first restriction in HRS section 84-14(d) are **very rare**. I was with the Commission for more than 28 years, and saw really only two or three, or a few, such cases. (I served the Commission as its Associate Director from October, 1981, to the end of 1985. On January 1, 1986, I took over as Acting Executive Director. On February 5, I was appointed by the Commission as the new Executive Director (after a public hiring process), and continued as the Executive Director and General Counsel until June of 2010.)

The first restriction in HRS section 84-14(d) states that a legislator or state employee shall not **assist** for pay or compensation or **act in a representative capacity** for any person or business on certain matters set forth in HRS section 84-14(d) in which the legislator or state employee "has participated or will participate" as a legislator or state employee.

As I mentioned, this situation is **very rare**. The Commission has applied this part of HRS section 84-14(d) to a situation where a legislator or employee has participated in a matter described in HRS section 84-14(d). The matter then is transferred for some reason to another state agency or board. Because the legislator or employee participated in the matter that was set forth in HRS section 84-14(d), the legislator or employee cannot accept pay to assist or represent a person or business before the "new" or "second" agency. For example, a state employee reviews an environmental impact statement for the employee's department. The environmental impact statement is then sent to another department for review. The state employee cannot be paid by a business to comment for the business on the environmental impact statement because the state employee "has participated" in the matter.

Again, this situation only came up only a few times in my 28-plus years with the Commission. A further complication with this first restriction was whether the "matter", so to speak, was the *same* matter that the legislator or employee had participated in. For example, the matter may have changed significantly enough to constitute a different matter.

**Commission precedent.** A quick search on the Commission's website will show dozens of Commission opinions where HRS section 84-14(d) could have been applied to bar certain conduct, but was not, after a look at the unique circumstances of particular cases.

There are over 800 opinions issued by the Commission since its inception. I have read them all, and when I joined the Commission, I read the over 400 opinions that existed at the time to learn from them, and to see if the law seemed properly applied. If I felt it was not, I made a note of it. But in general, the opinions made

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proper interpretations of the State Ethics Code, in my opinion. I made my own word index of these opinions. After that, I wrote around 100 opinions myself, and reviewed and edited all other opinions while I was the Executive Director.

**Application of the State Ethics Code.** The State Ethics Code consists of laws passed by the Legislature. Since these are laws, when applying them, under the standard rules of statutory interpretation, one first examines whether a plain reading of the law will address a situation. However, there are many situations where the law is not clear, or not clear in regard to a **specific fact situation**. In these situations, the Commission must look to the "legislative intent" when the law was passed. The question is, **What "evil" did the Legislature seek to prohibit?**

It has been stated in a legislative committee report that the Commission's prior opinions are to serve as a means of interpreting the ethics laws so that legislators and state employees know how to comply with the law. The Commission's opinions thus serve as a body of "case law" for interpreting the State Ethics Code.

**Why the State Ethics Code is difficult to interpret and apply.** The State Ethics Code is difficult to apply much of the time. There are reasons for this. First, the State Ethics Code provisions are often written broadly and vaguely, and even poorly at times. At times, one has to practically guess at their meaning—in terms of what the law was meant to prohibit. Some provisions are written simplistically. The provision that prohibits certain gifts, for example (HRS section 84-11), is only **one sentence long**. The gifts laws of other jurisdictions generally go on for pages. Further, the standard in the gifts law is vague and subject to wide interpretation. A gift is prohibited "if it can reasonably be inferred" that the gift is "intended" to influence or reward a state official or employee for official action taken (on not taken). Some Commissioners have taken this provision to bar even any gift beyond an inexpensive cup of coffee. The State Ethics Commission, under the circumstances, has set an arbitrary value for gifts that are acceptable, which is currently around \$25. But should a Department of Health inspector receive anything beyond an inexpensive cup of coffee or other similarly valued refreshment when doing an inspection?

Further, how is the Commission to interpret a gift that also serves a state purpose? For example, Company A wants to fly a state employee to its headquarters in Texas to look at its products. Is this a junket, or a legitimate gift?

In these situations, the Commission must **interpret** the State Ethics Code provisions.

The State's ethics laws are also difficult to interpret because not all state agencies or boards are the same. They can be extraordinarily different. The University of Hawaii

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faculty have "academic freedom" by, at least, tradition. They can sell their own authored \$100 textbooks to their students. On the other hand, state employees are generally barred from engaging in substantial financial transactions with those they oversee. The Legislature itself has state constitutional legislative immunity for carrying out its legislative functions. For this reason, the State Ethics Commission has no conflicts law for legislators that requires recusal from voting when a legislator may have a significant financial interest in a bill.

State boards, commission, and committees are incredibly diverse. Some are regulatory and adjudicatory. Some are **solely advisory, and exercise no sovereign power whatsoever**. Some boards have **tremendous sovereign powers**, like the Land Use Commission or the Board of Regents of the University of Hawaii.

Because of the difference in government agencies and the ambiguity in provisions of the State Ethics Code with respect to many fact patterns, applying the State Ethics Code in a meaningful way is often very difficult.

For example, a state employee has a conflict that requires recusal if the employee has a "substantial financial interest in a business". The State Ethics Code does not define "substantial". It is **defined in advisory opinions** as "significant enough in value to influence a state employee". But does this mean 2 shares in Apple computers, 10 shares, 100 shares? **The law therefore must be interpreted by the Commission in an opinion**. A spouse's financial interests and those of a dependent child are considered the financial interests of a state employee. If a dependent child works 10 hours a week at a large company for minimum wage, does the state employee have to be recused from taking action vis-à-vis the company? What if the work is for 20 hours a week, or full time?

**TASK FORCES**

My comments about task forces are **not** about the Mortgage Foreclosure Task Force per se, or any of its members. My comments are about similar task forces in general, using the Mortgage Foreclosure Task Force as an example.

Such a task force as the Mortgage Foreclosure Task Force is not a typical board. In the law that created the Mortgage Foreclosure Task Force, certain businesses were **specifically named** as stakeholders and allowed by law to have a representative represent their interests. There were other stakeholders on this task force. The members of the task force **exercised no sovereign power of the state government whatsoever**. The purpose of the task force was to basically brainstorm and exchange ideas in order to come up with a **proposed bill for the Legislature**. Whatever the proposed bill, it would wend its way through the two

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Houses of the Legislature comprised of 76 legislators, along with anyone who wished to testify or comment on the bill.

In my experience serving the Commission, I do not recall this kind of task-force situation coming up. In my view, such task forces are completely different from regulatory or adjudicatory boards, etc.

**Issue:** Given HRS section 84-14(d) and the Mortgage Foreclosure Task Force (and similar task forces that may or may not exist, or may have existed) what is the proper interpretation and application of HRS section 84-14(d)? This is not a matter of rigidity or flexibility, but simply the **proper application** of the law.

It should be noted that the Commission's interpretation of HRS section 84-14(d) will affect all such task forces in the future (assuming no legislative action) and similar task forces that may have existed in the past. We are not omniscient. We do not know what the various branches of government have created. Under the State Ethics Code, any similar **working group** even if informally created, could be subject to the Commission's interpretation of HRS section 84-14(d). In HRS section 84-3, the State Ethics Code defines a state agency to include "independent commissions and other **establishments** of the state government". [Emphasis added.] If a state official establishes a working group to address an issue, is this an establishment of state government and task force? Even the term "employee" in HRS section 84-3 is broad, and includes members of "boards, commissions, and committees". Nothing is said in the law about the **nature** of such committees. Would they include working groups or similar task forces comprised of stakeholders?

**Consideration of Mr. Kondo's inconsistent interpretation of HRS section 84-14, the conflicts of interest law, to the Mortgage Foreclosure Task Force.**

Mr. Kondo applied the conflicts of interests law, **HRS section 84-14**, in an arbitrary and inconsistent way. This is because Mr. Kondo did not apply, literally or otherwise, **HRS section 84-14(a)** to members of the Mortgage Foreclosure Task Force that were on the task force to represent their companies, mentioned in the task force law. Normally, **HRS section 84-14(a)** bars a state employee from taking action that **directly affects** his or her own company:

**§84-14 Conflicts of interests. (a) No employee shall take any official action directly affecting:**

- (1) A business or other undertaking in which the employee has a substantial financial interest; or
- (2) A private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

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*A department head who is unable to disqualify the department head's self on any matter described in paragraphs (1) and (2) will not be in violation of this subsection if the department head has complied with the disclosure requirements of section 94-17.*

*A person whose position on a board, commission, or committee is mandated by statute, resolution, or executive order to have particular qualifications shall only be prohibited from taking official action that directly and specifically affects a business or undertaking in which the person has a substantial financial interest; provided that the substantial financial interest is related to the member's particular qualifications.*

[Emphasis added.] The members of the Mortgage Foreclosure Task Force took action that **directly affected** the companies they represented, per HRS section 84-14(a), as they were on the task force to represent the interests of their companies.

Mr. Kondo could not have availed himself of the exception in the last paragraph of this section, **HRS section 84-14(a)**, since the task force members **did** take action that **directly and specifically** affected the companies they were there to represent.

Nothing in the law that created the Mortgage Foreclosure Task Force exempted this task force from **HRS section 84-14(a)**, yet, Mr. Kondo decided that it should **not** apply. This was an interpretation he apparently made, as he understood that the Legislature **intended** the members of the task force to represent their companies.

The inconsistency thus in later applying HRS section 84-14(d) is as follows: Members of the Mortgage Foreclosure Task Force could, as **state officials**, take action that directly benefitted their companies. Their presence on the task force gave them more stature and ability to benefit their companies. This was apparently not a problem for Mr. Kondo. (And should have not been a problem, as this was the **legislative purpose** of assembling stakeholders for this task force.

Yet, Mr. Kondo applied HRS section 84-14(d) to bar these same task force members as **private individuals** from representing their companies (and receiving compensation) before the Legislature. It is obvious that the Legislature wanted the input of these individuals as **task force members** and as **members of the public**, whether lobbyists or not, paid or not. The Legislature was interested in the expertise these task force members had. Barring these task force members from speaking as citizens or representatives of companies deprived the Legislature of exactly what it wanted. It would be impossible, in my view, to see it any other way.

Mr. Kondo refers to lobbying or any communication for pay (say as an employee of a company) by Mortgage Foreclosure Task Force members as **"influence-peddling"**, in violation of HRS section 84-14(d) **by these individuals in a private capacity representing the very companies they represented as task force members.**

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This makes no sense, and is inconsistent with Mr. Kondo's non-application of **HRS section 84-14(a)**, requiring recusal of employees taking action **directly affecting** their companies.

HRS section 84-14(d) was enacted to prohibit **influence-peddling**. Thus, the obvious legislative intent is to bar state employees from **unjustly enriching** themselves by assisting or representing persons or businesses for pay contrary to their state duties. Further, the law also bars businesses from being able to hire employees to give themselves an unfair advantage in dealing with the State. That does not exist here as to the Mortgage Foreclosure Task Force in the least.

All boards are not the same. Mr. Kondo has equated a task force created with numerous stakeholders to basically brainstorm (with no **binding power** or **sovereign power of the State**) as the same as regulatory boards, adjudicatory boards, boards with the power to issue permits, and so forth—in short, boards with **significant binding power, as well as a part of the sovereign power of the State.**

The Legislature did not obviously intend that HRS section 84-14(d) apply to such task forces.

**Interference with Free Speech, the Right to Petition Government, Chilling Effect.** Mr. Kondo's interpretation of HRS section 84-14(d) takes from task force members their constitutional rights such as Free Speech, the Right to Petition Government, and places a chilling effect on all past and potential task force members if no legislative action is taken to fix the misapplication of the law.

**Interference with ability of Legislature to obtain task force members with expertise.** Mr. Kondo's interpretation of HRS section 84-14(d) also impedes the Legislature's ability (as well as the other branches of government) to acquire task force members with expertise.

**Effect of Act 208.** I realize that Act 208 took care of task force problems for the future for all branches of state government. However, such a bill would have been unnecessary had HRS section 84-14(d) been properly applied, Commission precedent examined, and Mr. Kondo being open-minded to the negative feedback he received.

**Mistakes by Executive Directors and the State Ethics Commission.** Executive Directors and the State Ethics Commission **are not infallible**. While I was the Executive Director I made mistakes, and so did the Commission. However, I believe that I and the Commission were open-minded and willing to consider what we were being told. Thus, we corrected mistakes in a matter-of-fact way, but in other cases

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believed we had made the right decision. The goal of the Commission is not to have its way, but to interpret the law correctly. Being wrong simply leads to problems down the road. Thus, in difficult cases, there should be no rush to judgment.

**Improper accusation: the claim that the law is being changed for one person.** To say that the Legislature is changing the law for one person is essentially accusing the entire Legislature of corruption. It is saying that the Legislature will allow **all future** task force members and **all past** task force members (there could be hundreds) to violate the State Ethics Code just to save one "friend". This is patently absurd.

**The need for retroactivity because of the Commission's statute of limitations.** Act 208 should have been made retroactive, and this retroactivity should take into account the Commission's six-year statute of limitations. While Mr. Kondo contends only one person is affected by S.B. No. 893, this is not true. There could be many task forces that have been created by the various branches of state government, or working groups that might be considered task forces.

Mr. Kondo contends that **all** the members of the Mortgage Foreclosure Task Force but one complied with his directive. **This is impossible for him to say.** HRS section 84-14(d) bars "assistance" for pay, and this can take place without the Commission's knowledge. A task force member can go back to his or her company and brief them on how to testify on bills, or how to lobby on a matter. "Assistance-type" violations of HRS section 84-14(d) are basically learned of by the Commission by accident or through whistleblowers. Mr. Kondo cannot know how many task force members or work group members may have existed and are still subject to HRS section 84-14(d). Such task force members could unknowingly violate the law, as interpreted by Mr. Kondo.

There would be nothing improper with setting a retroactive date that ensures that former task force members are not in jeopardy. This retroactive date could be January 1, 2004, since once the Mortgage Foreclosure Task Force met, its members could be subject to charges by the Commission or charges brought by members of the public, or legislators who believe Mr. Kondo's interpretation of HRS section 84-14(d) is correct.

To my mind, there would be nothing improper with setting the retroactive date to January 1, 2000, to give everyone piece of mind.

**Slippery slope.** The notion that changing the law in this situation would lead to a slippery slope is absurd. The notion that anyone who is charged by the Commission will have the law changed by a willing Legislature is absurd. The Legislature has

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been and will be monitored for what it does with legislation. The bills are public. This is a special case, where the Legislature just happens to be right.

While I was the executive director, various legislators would on occasion attempt to weaken the law, in my view. In such cases, I spoke up, as did the Commission. But one has to, at the same time, consider that one might be wrong and the Legislature might be right (legislators at times revised my bills and were right to do so), and there is nothing per se improper with the Legislature amending the ethics code if it believes it goes too far, or the interpretations of the law are overzealous.

**Mr. Kondo's contention that changing the law will weaken the authority of the Commission is not true.** The fact that the Legislature is considering S.B. No. 893 will not weaken the authority of the Commission. From time to time, there will be legitimate differences of opinion.

Again, the Commission nor Mr. Kondo is infallible. This situation is an exceptional situation.

Rather, what weakens the Commission is poor interpretations of the law. The Commission loses credibility and stature. For this reason, the Commission must be sensitive when people disagree with it. This does not mean caving in—it means having an open mind. It also means reviewing facts and precedent.

But, to think there will not be legitimate differences of opinion is delusional.

**Mr. Kondo's analogy to marijuana is illogical.** Mr. Kondo contended in his oral testimony on February 5 that passing S.B. No. 893 would be like someone arrested or convicted for the possession of "pot" to go to the Legislature and have the matter overturned. The analogy is illogical because Mr. Kondo still assumes that he is correct about his interpretation of HRS section 84-14(d). It is a circular argument. The Legislature simply disagrees with Mr. Kondo.

This is not going to lead to every criminal or violator of law running to the Legislature for help. Such an assertion is absurd.

**Asserting that S.B. No. 893 will interfere with "transparency" is totally devoid of logic.** HRS section 84-14(d) prohibits certain conduct. This has nothing to do with "transparency".

**Summary.** There is nothing improper with providing retroactivity to correct a poor interpretation of the State Ethics Code. One has to consider the tremendous damage a wrong interpretation can do, the lives affected, the possible legal and other costs,

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the individuals still in jeopardy, the damage to reputation, the possible loss of employment for being seen as a violator of the law or bringing bad publicity to one's employer, and the waste of time resulting from an inability to be simply open-minded and fair-minded.

Very truly yours,



Daniel J. Mollway

c: The Honorable Maile S.L. Shimabukuro, Vice Chair  
The Honorable Mike Gabbard  
The Honorable Les Ihara  
The Honorable Sam Slom  
Mr. Nathan Eagle  
Media  
Interested individuals

**ATTACHMENT C**

re:play

Replay Resorts Inc.  
Experience-Driven Development**Drew Stotesbury, CEO**  
Turtle Bay Resort, Oahu  
57-091 Kamehameha Highway  
Kahuku, Hawaii 96731

Senator Clayton Hee  
Hawaii State Capitol  
Room 407

March 4, 2013

**Re: SB 894 SD2**

Dear Senator Hee:

We greatly appreciate the opportunity to explore an alternative for both the State of Hawai'i and Turtle Bay Resort, LLC ("Developer") to voluntarily negotiate in good faith a solution that provides the State the ability to keep a portion of the undeveloped lands at the Turtle Bay Resort ("Resort") for public benefit. We have been apprised that you may be open to holding the referenced measure pending while the Developer proceeds in good faith to negotiate with the State in regard to the acquisition by the State of certain lands within the Resort.

The Developer is open to good faith negotiations with the State provided that these negotiations take place immediately and that negotiations terminate no later than November 30, 2013, at which time the State and Developer will submit to the Legislature for its consideration a report as to the result of the negotiations. If the parties are able to negotiate terms, area, and price, then SB 894 could be amended to effectuate the terms of the negotiated settlement. If the parties are not able to negotiate a settlement, then I suspect SB 894 might proceed through the legislative process in the next session.

We believe this alternative provides a reasonable time for the State and the Developer to engage in good faith negotiations to reach a reasonable solution that benefits not only the immediate community, but the State as a whole. However, this alternative also does not jeopardize our ability to proceed concurrently with the Final Supplemental Environmental Impact Statement and subdivision with respect to our proposed development alternative or to protect our interests with respect to eminent domain.


It is our desire to be good stewards of the land and find a way to reach a solution. We appreciate your willingness to be open to further discussions.

Sincerely,

Drew Stotesbury, CEO  
Turtle Bay Resort



**ATTACHMENT D**



**William P. Kenoi**  
*Mayor*

**Walter K.M. Lau**  
*Managing Director*

**Randall M. Kurohara**  
*Deputy Managing Director*

**County of Hawai'i**  
**Office of the Mayor**

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February 5, 2013

The Honorable Malama Solomon, Chair  
and Members of the Senate Committee on Water and Land  
Hawai'i State Capitol  
415 South Beretania Street, Room 225  
Honolulu, Hawai'i 96813

The Honorable Will Espero, Chair  
and Members of the Senate Committee on Public Safety,  
Intergovernmental and Military Affairs  
Hawai'i State Capitol  
415 South Beretania Street, Room 225  
Honolulu, Hawai'i 96813

RE: Senate Bill 1361, RELATING TO BANYAN DRIVE

Aloha, Chair Solomon, Chair Espero and Committee Members:

Thank you for this opportunity to express our deep concern with the deteriorating situation on Banyan Drive in general, and particularly at the Naniloa Volcanoes Resort. As you know, Banyan Drive has traditionally been the hub of East Hawai'i's resort activity, which makes it critically important to the economy of the island of Hawai'i. When properly managed, these properties are an economic engine and a job creator that provides benefits to our working families. The state Department of Land and Natural Resources oversees this activity as the lessor of the resort properties along Banyan Drive, which means DLNR is an important participant in the East Hawai'i business community.

This arrangement provides significant benefits to the state in the form of millions of dollars in ground lease rents that DLNR collects from the Banyan Drive tenants, but DLNR also has a responsibility to the larger community on our island. At a minimum, DLNR has an obligation to actively manage the Banyan Drive leases to assure those properties are properly maintained and operated by tenants who comply with the terms of their leases.

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The Honorable Will Espero, Chair  
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Hawai'i Outdoor Tours Inc. has now held the lease for the Naniloa Volcanoes Resort and the Banyan Drive golf course for seven years, and the result has been a disaster for East Hawai'i. The Kilauea Tower of the resort has been gutted and empty for years, the grounds of the property are a shambles, and the golf course clubhouse is closed. Valuable retail space on the grounds of the resort that could be contributing to the local economy and generating jobs is vacant and closed. Despite the lessee's well-publicized promises to restore the area as a top-quality destination, a lounge adjoining the hotel is closed, and the pool on the Banyan Drive side of the property has been drained. Only a fraction of the rooms in the Naniloa have actually been renovated. Since much of the hotel is empty, the facility operates with minimal staff.

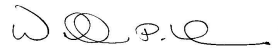
Enormous effort has been invested in bringing direct flights to Hilo to boost the East Hawai'i economy, yet the lingering problems at the Naniloa jeopardize all of the progress that has been made. If we lose those direct flights, the damage done by the failure at the Naniloa threatens to ripple out into the surrounding business community. Jobs are being lost, businesses are suffering, the state is collecting less transient accommodation and excise tax revenue than it should, and potential lease rent revenue is being lost to the state because of the neglect of this single, strategically placed resort.

Now that Hawai'i Outdoor Tours Inc. has filed for protection in bankruptcy court, it is absolutely clear the company does not have the resources required to restore the Naniloa. Under the "breach" provisions of the Naniloa lease, DLNR now has the right to terminate this lease. The lease specifically allows for termination "if the Lessee shall become bankrupt..." We believe DLNR also has the right to terminate under a separate Naniloa lease provision requiring the lessee to "keep, repair, and maintain all buildings and improvements...on the premises in good order, condition and repair, reasonable wear and tear excepted."

Many of our East Hawai'i residents are traveling 100 miles to work at jobs in Kona and the Kohala Coast resort areas, while the once-beautiful Naniloa property sits mostly empty and deteriorating in Hilo. Hawai'i Outdoor Tours has been given ample opportunity over the last seven years to restore the property, and we cannot continue to stand by while a single hotel operator holds an entire community hostage. For the good of our working families and the business climate in all of East Hawai'i, we urge this committee and the DLNR to take whatever steps are necessary to terminate this lease.

Thank you for your consideration.

Aloha,



**William P. Kenoi**  
MAYOR

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