

## FIFTY-EIGHTH DAY

Friday, April 25, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 7:16 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Marla Wade, New Grace Christian Fellowship, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 468 to 472) were read by the Clerk and were placed on file:

Gov. Msg. No. 468, letter dated April 24, 2003, requesting that S.B. No. 1440 be amended to provide appropriations and authorizations required to fund the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) costs for Bargaining Unit 5, Teachers, and to provide comparable adjustments for relevant excluded positions.

Gov. Msg. No. 469, advising the Senate of the withdrawal of the nomination of CHRISTOBAL J. QUINTANA to the State Board of Barbering and Cosmetology, under Gov. Msg. No. 283, dated April 7, 2003.

In compliance with Gov. Msg. No. 469, the nomination listed under Gov. Msg. No. 283 was returned.

Gov. Msg. No. 470, letter dated April 24, 2003, requesting that S.B. No. 1438 be amended to provide appropriations and authorizations required to fund the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) costs for Bargaining Unit 1, Blue Collar Workers, and to provide comparable adjustments for relevant excluded positions.

Gov. Msg. No. 471, letter dated April 24, 2003, requesting that S.B. No. 1442 be amended to provide appropriations and authorizations required to fund the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) costs for Bargaining Unit 10, Institutional Health and Correctional Workers, and to provide comparable adjustments for relevant excluded positions.

Gov. Msg. No. 472, letter dated April 24, 2003, requesting that S.B. No. 1439 be amended to provide appropriations and authorizations required to fund the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) costs for Bargaining Unit 2, Blue Collar Supervisors; Unit 4, White Collar Supervisors; Unit 6, Educational Officers; Unit 8, University of Hawaii Administrative Professional and Technical; and Unit 13, Professional and Scientific, and to provide comparable adjustments for relevant excluded positions.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 595 to 598) were read by the Clerk and were placed on file:

Hse. Com. No. 595, informing the Senate that the House reconsidered its action taken on April 4, 2003, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 285, H.D. 1 (S.D. 2);  
H.B. No. 651, H.D. 2 (S.D. 1);  
H.B. No. 731, H.D. 1 (S.D. 1); and  
H.B. No. 1198, H.D. 2 (S.D. 2).

Hse. Com. No. 596, informing the Senate that the House reconsidered its action taken on April 10, 2003, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 123, H.D. 1 (S.D. 1);  
H.B. No. 548, H.D. 2 (S.D. 1);  
H.B. No. 662, H.D. 2 (S.D. 2);  
H.B. No. 730 (S.D. 1);  
H.B. No. 857 (S.D. 2);  
H.B. No. 1013, H.D. 3 (S.D. 2); and  
H.B. No. 1116, H.D. 1 (S.D. 2).

Hse. Com. No. 597, informing the Senate that the House reconsidered its action taken on March 28, 2003, in disagreeing to the amendments proposed by the Senate to the following House bills:

H.B. No. 1076, H.D. 1 (S.D. 1); and  
H.B. No. 1607, H.D. 2 (S.D. 1).

Hse. Com. No. 598, informing the Senate that H.B. No. 993, S.D. 1, C.D. 1, passed Final Reading in the House of Representatives on April 24, 2003.

## CONFERENCE COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1230, H.D. 1, presented a report (Conf. Com. Rep. No. 24) recommending that H.B. No. 1230, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24 and H.B. No. 1230, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1154, H.D. 1, presented a report (Conf. Com. Rep. No. 25) recommending that H.B. No. 1154, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25 and H.B. No. 1154, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 422, H.D. 2, presented a report (Conf. Com. Rep. No. 26) recommending that H.B. No. 422, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26 and H.B. No. 422, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A CENTER FOR NURSING," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 38, presented a report (Conf. Com. Rep. No. 74) recommending that S.B. No. 38, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74 and S.B. No. 38, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1352, S.D. 1, presented a report (Conf. Com. Rep. No. 75) recommending that S.B. No. 1352, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75 and S.B. No. 1352, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1423, S.D. 2, presented a report (Conf. Com. Rep. No. 76) recommending that S.B. No. 1423, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76 and S.B. No. 1423, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 205, S.D. 3, presented a report (Conf. Com. Rep. No. 77) recommending that S.B. No. 205, S.D. 3, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77 and S.B. No. 205, S.D. 3, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1443, presented a report (Conf. Com. Rep. No. 78) recommending that S.B. No. 1443, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78 and S.B. No. 1443, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1444, presented a report (Conf. Com. Rep. No. 79) recommending that S.B. No. 1444, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79 and S.B. No. 1444, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE

BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1309, S.D. 2, presented a report (Conf. Com. Rep. No. 80) recommending that S.B. No. 1309, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80 and S.B. No. 1309, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

#### STANDING COMMITTEE REPORTS

Senator Kanno, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1653) recommending that H.C.R. No. 95 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1653 and H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO STUDY THE FEASIBILITY OF A DEFERRED RETIREMENT OPTION PLAN BENEFIT FOR FIRE FIGHTERS AND POLICE OFFICERS," was deferred until Tuesday, April 29, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1654) recommending that H.C.R. No. 117 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1654 and H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENTER INTO A REAL ESTATE TRANSACTION AGREEMENT FOR A NEW ELEMENTARY SCHOOL IN KAHULUI, MAUI," was deferred until Tuesday, April 29, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1655) recommending that H.C.R. No. 185 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1655 and H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO IMPLEMENT CAREER PATHWAYS AS A PART OF A SCHOOL REFORM MODEL TO INCLUDE THE REDESIGN OF CAREER AND TECHNICAL EDUCATION THAT IS REFLECTIVE OF ECONOMIC DEVELOPMENT INITIATIVES AND PRIORITIES," was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1656) recommending that H.C.R. No. 82, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1656 and H.C.R. No. 82, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION AND ST. FRANCIS HEALTHCARE SYSTEM TO CONTINUE THEIR PARTNERSHIP IN SERVING THE NEEDS OF DIALYSIS PATIENTS IN HAWAII," was deferred until Tuesday, April 29, 2003.

Senators Baker and Taniguchi, for the Committee on Health and the Committee on Ways and Means, presented a joint report (Stand. Com. Rep. No. 1657) recommending that H.C.R. No. 165, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1657 and H.C.R. No. 165, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE KALAUPAPA SETTLEMENT OPERATIONS AND EXPENDITURES," was deferred until Tuesday, April 29, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1658) recommending that the Senate advise and consent to the nomination of MARSHALL D. CHINEN to the Real Estate Commission, in accordance with Gov. Msg. No. 322.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1658 and Gov. Msg. No. 322 was deferred until Tuesday, April 29, 2003.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1659) recommending that the Senate advise and consent to the nomination of BECKY L. HAYASHIDA to the Rental Housing Trust Fund Advisory Commission, in accordance with Gov. Msg. No. 324.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1659 and Gov. Msg. No. 324 was deferred until Tuesday, April 29, 2003.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1660) recommending that the Senate advise and consent to the nomination of JOELLE KANE to the Board of Directors of the Research Corporation of the University of Hawai'i, in accordance with Gov. Msg. No. 325.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1660 and Gov. Msg. No. 325 was deferred until Tuesday, April 29, 2003.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1661) recommending that the Senate advise and consent to the nomination of KIYOKO Y. KIMURA to the Board of Directors of the Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 333.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1661 and Gov. Msg. No. 333 was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1662) recommending that the Senate advise and consent to the nomination of GLENN M.L. PANG MD to the Drug Product Selection Board, in accordance with Gov. Msg. No. 355.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1662 and Gov. Msg. No. 355 was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1663) recommending that the Senate advise and consent to the nomination of PAULA A.Y. ARCENA to the Board of Health, in accordance with Gov. Msg. No. 361.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1663 and Gov. Msg. No. 361 was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1664) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea, of the following:

GEORGE A. WESSBERG DDS, in accordance with Gov. Msg. No. 363; and

JENNY L. STONE MD, in accordance with Gov. Msg. No. 410.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1664 and Gov. Msg. Nos. 363 and 410 was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1665) recommending that the Senate advise and consent to the nominations to the Reproductive Rights Protection Committee of the following:

KRISTINE M. ALTWIES NICHOLSON, in accordance with Gov. Msg. No. 390; and

VALERIE MARIE WANG MD, in accordance with Gov. Msg. No. 391.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1665 and Gov. Msg. Nos. 390 and 391 was deferred until Tuesday, April 29, 2003.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1666) recommending that the Senate advise and consent to the nomination of ANNE T. ZANE to the Board of Certification of Public Water System Operators, in accordance with Gov. Msg. No. 405.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1666 and Gov. Msg. No. 405 was deferred until Tuesday, April 29, 2003.

Senator English, for the Committee on Energy and Environment, presented a report (Stand. Com. Rep. No. 1667) recommending that the Senate advise and consent to the nomination of GENEVIEVE SALMONSON as the Director for the Office of Environmental Quality Control, in accordance with Gov. Msg. No. 423.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1667 and Gov. Msg. No. 423 was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1668) recommending that H.B. No. 378, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1668 and H.B. No. 378, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1669) recommending that H.B. No. 379, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1669 and H.B. No. 379, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT

CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1670) recommending that H.B. No. 380, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1670 and H.B. No. 380, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1671) recommending that H.B. No. 381, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1671 and H.B. No. 381, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1672) recommending that H.B. No. 382, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1672 and H.B. No. 382, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1673) recommending that H.B. No. 383, H.D. 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1673 and H.B. No. 383, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1674) recommending that H.B. No. 475 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1674 and H.B. No. 475, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1675) recommending that H.B. No. 485 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1675 and H.B. No. 485, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAU‘OLI SCHOOL,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1676) recommending that H.B. No. 488 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1676 and H.B. No. 488, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1677) recommending that H.B. No. 645 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1677 and H.B. No. 645, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1678) recommending that H.B. No. 939 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1678 and H.B. No. 939, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HOALA SCHOOL,” was deferred until Tuesday, April 29, 2003.

Senator Taniguchi, for the majority of the Committee on Ways and Means, presented a report (Stand. Com. Rep. No. 1679) recommending that H.B. No. 1564 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1679 and H.B. No. 1564, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY,” was deferred until Tuesday, April 29, 2003.

## ORDER OF THE DAY

### FINAL READING

Conf. Com. Rep. No. 2 (H.B. No. 192, H.D. 1, S.D. 1, C.D. 1):

On motion by Senator Inouye, seconded by Senator Hanabusa and carried, Conf. Com. Rep. No. 2 was adopted and H.B. No. 192, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ACCRETED LANDS,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 51 (S.B. No. 295, S.D. 1, H.D. 1, C.D. 1):

Senator Menor moved that Conf. Com. Rep. No. 51 be adopted and S.B. No. 295, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

Senator Trimble rose to speak in opposition as follows:

“Mr. President, I rise in opposition to this measure.

“Rates for towing, currently, are already high. If I remember correctly, the maximum level set is \$65 for a normal tow, \$85 if it has a little caddy thing that you can put the wheels on, then it’s \$6.50 a mile. That starts adding up, plus they raised the storage charge from \$15 a day to \$20 a day. That’s a 33 percent increase for the first seven days, and then after the first seven days, it increased 50 percent from \$10 to \$15.

"I don't see any reason why we should be allowing those rates to increase. Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 51 was adopted and S.B. No. 295, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TOWING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 19. Noes, 5 (Hemmings, Hogue, Kanno, Slom, Trimble). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 52 (S.B. No. 1200, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Ige and carried, Conf. Com. Rep. No. 52 was adopted and S.B. No. 1200, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 53 (S.B. No. 1630, H.D. 1, C.D. 1):

On motion by Senator Menor, seconded by Senator Espero and carried, Conf. Com. Rep. No. 53 was adopted and S.B. No. 1630, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NONPROFIT CORPORATIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 54 (S.B. No. 933, S.D. 1, H.D. 1, C.D. 1):

Senator Hanabusa moved that Conf. Com. Rep. No. 54 be adopted and S.B. No. 933, S.D. 1, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Fukunaga.

Senator Trimble rose to speak against the measure and said:

"Mr. President, I rise to speak against this measure.

"I'd like to ask my colleagues to reflect a couple moments on the precise language of the bill and not its intended purpose, but actually how it will play out. Specifically on page 2, there's the expression, 'on more than one occasion without legitimate purpose.' I think that when definitions are clearly defined, we have no problem. But I have problem with how long attorneys can argue about whether the purpose is legitimate or not.

"The second part of the bill that I have some problems with is nonconsensual consent means any contact that occurs without that individuals consent. Now, that's kind of obvious, but if I understand the law previously, this would be new language. Our court's calendars are full. We do not have speedy justice as it is. This measure will further burden our courts at a time that my colleagues do not seem prepared to increase funding for the judiciary. So, I see the calendar getting further clogged and I also see that friends of my Senator from Hawaii Kai attorneys will be the major beneficiaries of this act.

"For these reasons, I will be voting 'nay.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 54 was adopted and S.B. No. 933, S.D. 1, H.D. 1,

C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STALKING," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 2 (Slom, Trimble). Excused, 1 (Taniguchi).

Conf. Com. Rep. No. 55 (S.B. No. 1267, H.D. 2, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 55 was adopted and S.B. No. 1267, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

Conf. Com. Rep. No. 56 (S.B. No. 1274, S.D. 1, H.D. 1, C.D. 1):

On motion by Senator Hanabusa, seconded by Senator Chun Oakland and carried, Conf. Com. Rep. No. 56 was adopted and S.B. No. 1274, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MANSLAUGHTER," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

At 7:28 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:32 o'clock p.m.

Conf. Com. Rep. No. 57 (S.B. No. 1460, S.D. 1, H.D. 2, C.D. 1):

Senator Kim moved that Conf. Com. Rep. No. 57 be adopted and S.B. No. 1460, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Tsutsui.

Senator Ihara rose to speak in favor of the measure with reservations and said:

"Mr. President, I rise to speak in favor of this bill with one reservation.

"Mr. President, in this bill, S.B. No. 1460, C.D. 1, I have a concern about a provision that says, the authority, this is the tourism authority, shall include in each of its contracts that exceed \$6 million, or if they are of a certain level of complexity, a provision dealing with restraining criticism or disparagement of the policies of the state or the authority. My concern is that, to get a contract, a contractor may feel it necessary to give up some of its freedom of speech by agreeing to restrain criticism of a policy of the state, even if it's unrelated to the contract.

"Now, I note that the tourism authority can waive this provision if it so chooses. It says in another section, if it appears in the course of the negotiations of a contract that inclusion of this or other provisions might prevent agreement on the contract for a legitimate purpose or legitimate reason, the authority may suspend this provision that I'm mentioning. And, I think that allows the authority to weigh that provision, but my concern is that if a contractor or vendor would like to have a large contract, they might feel that it's wise on their part to give up their freedom of speech in criticizing the state. And I feel it may cause them to have a sense of intimidation in the course of the contract.

“So, that’s just a concern I wanted to express. Thank you.”

Senator Kim rose in support of the measure as follows:

“Mr. President, I rise to speak in support.

“As to that provision, we cannot contract away the freedom of speech, and that is expressed and understood that this provision, when the state gives an entity money, that these policies of that entity are supported. And like the Senator brought up, there is the section where the HTA can in fact waive that. But that was the intent and the intent is not to prohibit free speech, and I’m told by law that you cannot put anything in a contract that would in fact prohibit any of the items that we are given by the Constitution of the United States of America.

“Thank you.”

The motion was put by the Chair and carried, Conf. Com. Rep. No. 57 was adopted and S.B. No. 1460, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONTRACTS ENTERED INTO BY THE HAWAII TOURISM AUTHORITY,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 337, S.D. 1, H.D. 1:

Senator Sakamoto moved that S.B. No. 337, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Kokubun.

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

“Mr. President, I rise in opposition to this bill.

“This is a very unique bill in that it only takes 22 words to talk about the bill. It talks about business assistant positions in the Department of Education, a position and a philosophy that many of us have supported over the years. We want business assistants within the Department of Education.

“The only problem is we have not had an opportunity to effectively evaluate and analyze just how good these business assistants have been, whether they have saved money, they’ve made the DOE more effective, or so forth, because it’s been a very short time.

“What this bill proposes to do is to take 42 of these business assistants who are now part-time temporary employees and make them full-time employees. That has several consequences. First of all, the bill says the DOE shall make them full-time, which means that it takes away the choice of the Department of Education and the schools and the individuals themselves, thus again moving us farther away from decentralization.

“Secondly, the bill does not include any dollar appropriation so we don’t know what the cost is going to be in changing from the temporary to full-time positions.

“Thirdly, we do know that any full-time position in the state government, whether it’s Department of Education or any of the other departments, has a hefty bill attached to it with compensation and also benefits which last long after the retirement of that particular position.

“Interesting in the comments and the testimony that the Department of Education was fine with being told what to do. The HGEA also liked the bill, but the teacher’s union, the HSTA, opposed this bill.

“So, for these and other reasons, Mr. President, I urge a ‘no’ vote on this bill. Thank you.”

At 7:38 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:41 o’clock p.m.

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

Senator Hemmings rose to speak against the measure and stated:

“Mr. President, I rise to speak against this legislation.

“In the interest of always offering a viable alternative to the continued unchecked growth in the size and cost of government even in the face of austere fiscal conditions, I would have liked to suggest, as I have done before, that these positions not be converted from part-time employees, but that we take full-time existing employees, who number in the hundreds in DAGS and the DOE, that already deal with these problems, thus cutting the added cost that taxpayers will have to assume by doing this job that could be done by workers that are already there.

“In every instance when we hire new people, we’re adding to the long-term debt and cost. It’s also ironic to note that many of our employees right now have been juggled in the employment process to keep them off benefits, which the private sector, oftentimes, is mandated to pay and the state somehow escapes. I’m sure that wasn’t the case with these employees that are now being transferred to full-time. But nevertheless, the alternative is they are to use existing resources to pay for this work and I was hoping that the Legislature would have seen the wisdom of it.

“I will be voting ‘no.’ Thank you.”

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

“Mr. President, I rise to speak in support of this measure.

“Just to clarify, Mr. President, these are full-time employees exempt. The measure proposes to have them permanent because some of these employees were indeed school personnel and some were not. But this job, Mr. President, is one that deals with repair and maintenance, other issues relating to helping the administrator. Certainly, the shortage of principals is because they’re beleaguered with many of the tasks that these, one in each complex, can help them accomplish.

“Mr. President, they are full-time, and certainly, as far as the cost issue, perhaps with longevity they will have ERS and those deals. I think this will help keep a stable workforce, and we can have better people in these jobs, and for people who are wondering if every time the Legislature meets, that their job is in jeopardy, the purpose was to bring stability.

“I did have a thick packet of responses from the various principals and people in the complex who have submitted support that these positions are really helping the administrators and the staff in the schools.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 337, S.D. 1, and S.B. No. 337, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF SCHOOL FACILITIES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 4 (Hemmings, Hogue, Slom, Trimble). Excused, 1 (Taniguchi).

S.B. No. 538, S.D. 1, H.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 538, S.D. 1, and S.B. No. 538, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

S.B. No. 1281, S.D. 1, H.D. 1:

Senator Inouye moved that S.B. No. 1281, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Trimble rose in opposition and said:

"Mr. President, let's see if I can make these issues as simple as possible.

"I think it's bad policy to pass this bill. I think we need to understand the concept of public land and how that land is transferred. I agree that the Legislature has the authority to do it, but normally, and the process that I'm most familiar with, is that when property is transferred from one division to another or one department to another or one function to another, it's not done by state law. It's done by executive order.

"This bill, if we pass it, would take land, and I don't know how the land was acquired because it doesn't say it in the bill or in the committee reports, but remove it from the area that is considered public land and over which the Governor would have the power to designate as conditions or times change from one department or function to another. If you look at the bill and you go to page 2 and you look at the definition of public lands, it's a good statement, and you get to the end and it exempts certain activities or departments. The first three or four there's good reason for, but as you start getting to the end of the list, and most of these transfers occurred after or changes occurred after the Ariyoshi years, then perhaps it was because we had newer people in government or different people in government and they didn't understand the process that already existed. But some of these I believe were mistakes and I think it would be a mistake to add the high technology development corporation as number 11 at the end.

"Thank you, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1281, S.D. 1, and S.B. No. 1281, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

S.B. No. 1594, H.D. 1:

On motion by Senator Inouye, seconded by Senator Espero and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1594, and S.B. No. 1594, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 25. Noes, none.

S.B. No. 1077, S.D. 1, H.D. 1:

Senator Menor moved that S.B. No. 1077, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Baker.

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

"Mr. President, I rise to speak in opposition to this measure.

"It's conceptual in nature. I don't think that continuing education is the only way that people learn and mature in a profession. I do see it as a way of subsidizing educational institutions. Its impact, over time, is to have fewer in the profession, meaning more income for those that remain. It also tends to produce, over time, higher rates, because if you have fewer people providing this service, they can raise their rates, which mean higher costs to the consumer. And the third thing is that if we want to ensure that they're actually up to date and learning, then we should do exactly what we do with automobile drivers and give them a new test every once in awhile.

"For that, I oppose this measure. Thank you, Mr. President."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1077, S.D. 1, and S.B. No. 1077, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUING EDUCATION FOR INSURANCE LICENSEES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, 1 (Trimble).

At 7:50 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 7:53 o'clock p.m.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1625 (Gov. Msg. No. 103):

Senator Menor moved that Stand. Com. Rep. No. 1625 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nominations to the Board of Directors, Housing and Community Development Corporation of Hawaii, of the following:

CHARLES KING and TRAVIS THOMPSON, terms to expire June 30, 2004;

CHARLES STED, term to expire June 30, 2005;

FRANK JUNG and TAI AOPO TUIMALEALIIFANO, terms to expire June 30, 2006; and

STEPHANIE AVEIRO, term to expire June 30, 2007,

seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1626 (Gov. Msg. No. 282):

Senator Menor moved that Stand. Com. Rep. No. 1626 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of KAU'I ALAPA to the State Board of Barbering and Cosmetology, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1627 (Gov. Msg. No. 284):

Senator Menor moved that Stand. Com. Rep. No. 1627 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of WILLES LEE to the State Boxing Commission of Hawai'i, term to expire June 30, 2004, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1628 (Gov. Msg. No. 285):

Senator Menor moved that Stand. Com. Rep. No. 1628 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of CRAIG R. BENZEL to the State Board of Chiropractic Examiners, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1629 (Gov. Msg. No. 291):

Senator Menor moved that Stand. Com. Rep. No. 1629 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of JEFFREY K. MIYAZAWA to the Board of Dental Examiners, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1630 (Gov. Msg. No. 305):

Senator Menor moved that Stand. Com. Rep. No. 1630 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of THOMAS SINGLEHURST to the Board of Directors of the Hawai'i Hurricane Relief Fund, term to expire June 30, 2007, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1631 (Gov. Msg. Nos. 329, 392 and 393):

Senator Fukunaga moved that Stand. Com. Rep. No. 1631 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Small Business Regulatory Review Board of the following:

DENISE WALKER, term to expire June 30, 2006 (Gov. Msg. No. 329);

DAVID G. RIETOW, term to expire June 30, 2004 (Gov. Msg. No. 392); and

LYNNE E. WOODS, term to expire June 30, 2006 (Gov. Msg. No. 393),

seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1632 (Gov. Msg. Nos. 347, 348, 407 and 408):

Senator Fukunaga moved that Stand. Com. Rep. No. 1632 be received and placed on file, seconded by Senator Aduja and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Community-Based Economic Development Advisory Council of the following:

ELAINE L. HOGUE, term to expire June 30, 2007 (Gov. Msg. No. 347);

ANNA MARIE SPRINGER, term to expire June 30, 2007 (Gov. Msg. No. 348);

WAYNETTE HO-KWON, term to expire June 30, 2007 (Gov. Msg. No. 407); and

JAMES T. WEST PH.D., term to expire June 30, 2007 (Gov. Msg. No. 408),



seconded by Senator Aduja.

Senator Hogue rose for a conflict ruling as follows:

“Mr. President, I need to disclose a potential conflict on 1632. I need to disclose that Elaine L. Hogue is my wife.”

The President ruled that Senator Hogue was not in conflict.

Senator Kim rose and said:

“Mr. President, did the previous speaker stand in support or opposition?” (Laughter.)

Senator Hogue replied:

“I’ll answer that question – very much in support. Thank you, Mr. President.”

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1633 (Gov. Msg. No. 409):

Senator English moved that Stand. Com. Rep. No. 1633 be received and placed on file, seconded by Senator Kokubun and carried.

Senator English then moved that the Senate advise and consent to the nomination of KAREN A. POIANI to the Endangered Species Recovery Committee, term to expire June 30, 2007, seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1634 (Gov. Msg. Nos. 314, 315, 316, 317, 318, 319 and 320):

Senator Sakamoto moved that Stand. Com. Rep. No. 1634 be received and placed on file, seconded by Senator Hooser and carried.

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

ROBERT I. CROWELL, term to expire June 30, 2005 (Gov. Msg. No. 314);

DENNIS M. DUNN, term to expire June 30, 2005 (Gov. Msg. No. 315);

MABEL FERREIRO-FUJIUCHI, term to expire June 30, 2004 (Gov. Msg. No. 316);

STACY S.K. HIGA, term to expire June 30, 2006 (Gov. Msg. No. 317);

SCOTT S. MORISHIGE, term to expire June 30, 2006 (Gov. Msg. No. 318);

LEE A. ROMBAOA, term to expire June 30, 2005 (Gov. Msg. No. 319); and

RALPH STUEBER, term to expire June 30, 2004 (Gov. Msg. No. 320),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1635 (Gov. Msg. Nos. 326, 327 and 328):

Senator Sakamoto moved that Stand. Com. Rep. No. 1635 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai’i School-to-Work Executive Council of the following:

NOBLEZA E. MAGSANOC, term to expire June 30, 2006 (Gov. Msg. No. 326);

ALBERT S. NISHIMURA, term to expire June 30, 2006 (Gov. Msg. No. 327); and

KEVIN YOSHINO, term to expire June 30, 2006 (Gov. Msg. No. 328),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1636 (Gov. Msg. Nos. 330, 331 and 332):

Senator Sakamoto moved that Stand. Com. Rep. No. 1636 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nominations to the Hawai’i Teacher Standards Board of the following:

ANNETTE MASUTANI, term to expire June 30, 2006 (Gov. Msg. No. 330);

VICKI L. MORRISON, term to expire June 30, 2006 (Gov. Msg. No. 331); and

VAUGHN TOKASHIKI, term to expire June 30, 2006 (Gov. Msg. No. 332),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1637 (Gov. Msg. Nos. 366, 367 and 368):

Senator Ige moved that Stand. Com. Rep. No. 1637 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Board of Directors of the High Technology Development Corporation of the following:

JAY M. FIDELL, term to expire June 30, 2007 (Gov. Msg. No. 366);

BRIAN J. GOLDSTEIN, term to expire June 30, 2007 (Gov. Msg. No. 367); and

SHARON M. WONG, term to expire June 30, 2007 (Gov. Msg. No. 368),

seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1638 (Gov. Msg. Nos. 394, 395, 396, 397 and 398):

Senator Ige moved that Stand. Com. Rep. No. 1638 be received and placed on file, seconded by Senator Aduja and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

PHILIP M. JOHNSON PH.D., term to expire June 30, 2007 (Gov. Msg. No. 394);

WILLIAM M. MCKILLOP, term to expire June 30, 2007 (Gov. Msg. No. 395);

STEVE B. METTER, term to expire June 30, 2006 (Gov. Msg. No. 396);

DAVID A. OKA, term to expire June 30, 2007 (Gov. Msg. No. 397); and

GLENN S. YAMADA, term to expire June 30, 2007 (Gov. Msg. No. 398),

seconded by Senator Aduja.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1639 (Gov. Msg. No. 290):

Senator Kanno moved that Stand. Com. Rep. No. 1639 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of RYAN S. USHIJIMA to the Board of Trustees of the Deferred Compensation Plan, term to expire June 30, 2007, seconded by Senator Ihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1645 (Gov. Msg. No. 427):

Senator Hanabusa moved that Stand. Com. Rep. No. 1645 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of RHONDA AKEMI NISHIMURA to the office of Judge, 10<sup>th</sup> Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee and said:

"Mr. President, I stand in support of Gov. Msg. No. 427, submitting for consideration and confirmation to the Circuit Court of the First Circuit, 10<sup>th</sup> Division, gubernatorial nominee, Rhonda Akemi Nishimura.

"Mr. President, members, Rhonda Nishimura is a Roosevelt High School grad, so that should make Senator Taniguchi very pleased, and also a graduate of the University of Hawaii and the University of Hawaii Law School. She has been rated highly qualified by the Hawaii Bar Association and she has spent the past six years in the district court serving as a judge.

"Someone that we all know, Barbara Kim Stanton, came forward to testify and she said every thing is right when a person of her, meaning Judge Nishimura, caliber is nominated and selected for this position.

"Judge Nishimura may not remember me, but I have appeared in her court. And I will tell you, Mr. President, I've been impressed with the manner in which she runs that court and her professionalism. And as you all know, and my colleagues know, praise like that does not come very easily for me.

"Judge Nishimura said a very telling thing. When asked about her view of being part of the judiciary – and remember, colleagues, she's nominated for a circuit court position, a trial court judge – she said that it has been her policy for the past six years to resolve cases expeditiously. She can honestly say she has no backlog and she treats people who come before her with courtesy and respect. And just as importantly, she, as a judge, expects those who comes before her to treat the court and its staff with the same courtesy and respect.

"She also shared with the Committee her interview with the Governor, and she was very amazed and very candid about the fact that the Governor actually interviewed her twice and had a sensitivity towards what was going on in the court system.

"Mr. President and colleagues, to take the words from my good colleague from Maui, I would have to say that I ask that you consent to this judicial nominee and let's put another good woman in a position.

"Thank you, Mr. President."

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

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Nishimura to the members of the Senate. (Judge Nishimura, who was seated in the gallery with her family, rose to be recognized.)

Stand. Com. Rep. No. 1646 (Gov. Msg. No. 426):

Senator Hanabusa moved that Stand. Com. Rep. No. 1646 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of JAMES E. DUFFY JR. to the office of Associate Justice, State Supreme Court, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator Chun Oakland.

Senator Hanabusa rose to speak in support of the nominee as follows:

“Mr. President, I rise to speak in favor of Gov. Msg. No. 426, submitting for consideration and confirmation as Associate Justice of the Hawaii Supreme Court, gubernatorial nominee James E. Duffy.

“Mr. President, Mr. Duffy is a name that is probably household for many of us. He received his Juris Doctorate from Marquette University Law School and he came to Hawaii in 1968. From that time forward, he has just had an exemplary career and his reputation is phenomenal.

“He has served as the president of the Hawaii State Bar Association. He has represented the Hawaii Bar to the American Bar Association and he’s been the Lawyer Representative to the Ninth Circuit Court of Appeals. If you have the opportunity to review his resume, you will see that his publications, articles as well as various types of seminars that he’s participated in, go four pages, almost single space.

“We asked this gubernatorial nominee why, why do you want to serve? And he said it is time to pay back. Hawaii has been good to him.

“The attorney general came forward – and I had to say this because it’s always interesting how lawyers try to tell other lawyers a word that you probably have to go to the dictionary for – and he said he’s an archetypal judicial temperament. So, I had to go look it up. Basically, it means it’s the best type of judicial temperament you can have. He described him as someone without fear, without prejudice, and without favor.

“He is also an equestrian, Mr. President. Dan Bent used the words intellectual horsepower and I think he chose those words specifically because he was talking about James Duffy. What’s important is to know what his agenda is, and you know what? He has no legal agenda. He was very candid before the Committee. He said he has no legal agenda. When he was asked about the Governor’s recent criticism of the Supreme Court, he said he believes that he can bring collegiality to the court, because after all, he knows each and every one of them and he respects them. And I think, Mr. President, more importantly than that, they respect him.

“He also made it very clear that he does not believe that it is the purpose of the judiciary to legislate from the bench. I think at that point, the good Senator from Kaneohe rose up and started to applaud, but it was something that the Committee was very interested in hearing.

“Mr. President, the common description of James Duffy is that he is a lawyer’s lawyer. There was not one person in that room that would disagree with that. And when you see someone of Mr. Duffy’s qualifications and that legal career that he’s had, and you see that he wants to pay back – he said he is 60 years of age now and he can do the ten years with the Supreme Court and this is what he considers to be the best way he can think of to end out his legal career – we are all beneficiaries of that.

“One of the interesting statements was that it is a true, I guess, coup on the part of the Governor to have selected him. We had many people come forward who say that the selection of James Duffy has restored their faith in the political system. And with lawyers, that’s really accomplishing something.

“I’d like to make this last statement – James Duffy’s success is because he listened to his former partner, somebody else who was a household name in this state, and that is Wally Fujiyama. Wally Fujiyama said, ‘If you want to be a good lawyer, remember the law is a jealous mistress; everyone must sacrifice, especially your family.’

“Mr. President, colleagues, I ask that you join me in consenting to James Duffy as the new Associate Justice to the Hawaii Supreme Court. Thank you.”

Senator Hemmings rose to speak in favor of the nominee and said:

“Mr. President, I rise to speak in favor of this nominee for the Supreme Court of the State of Hawaii.

“Mr. President and colleagues, it’s with great pleasure representing the Minority Party, the Republicans, that I stand and lend my testimony and endorsement on behalf of my colleagues to this great nominee. I also want to offer him not condolences but tremendous consideration for his courage in taking on this job. We know you sat there patiently watching laws being made tonight, and you can surmise that your job will be most difficult in seeing what a task it is to unravel some of the things we do here on the Floor of the Legislature.

“I think the good Senator from Waianae expressed all of our admiration for you as a jurist, a legal scholar, and a human being. But I’d also like to say that we’re tremendously proud of your nomination by the Governor of the State of Hawaii. It was done so based on your merit and your talent, and we wish you well.

“Thank you, Mr. President.”

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

Ayes, 25. Noes, none.

Senator Hanabusa introduced Judge Duffy who was seated in the gallery with members of his family.

At 8:06 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:16 o’clock p.m.

Stand. Com. Rep. No. 1647 (Gov. Msg. No. 274):

Senator Sakamoto moved that Stand. Com. Rep. No. 1647 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of BYRON W. BENDER to the Board of Regents of the University of Hawai’i, term to expire June 30, 2007, seconded by Senator Hooser.

Senator Sakamoto rose to speak in support of the nominee as follows:

“Mr. President, I speak in support, but I’d first like to give some background on the process. Mr. President, your Committee on Education has been tasked with hearing all measures related to public education in our state. This includes early education, kindergarten through twelfth grade, continuing education, public libraries, and the University of Hawaii system of higher education.

“While we have concentrated much of our efforts on lower education because of the many issues and concerns related to the ‘no child left behind’ act, and also our schools providing adequate resources to support our students and teachers, reducing the repair and maintenance backlog, improving charter schools, and enhancing public school governance, your Committee did not lose sight of the importance of the University of Hawaii system. In fact, Mr. President, the well being of the university is of primary concern and responsibility of your Education Committee and this entire body.

“The University of Hawaii is the manifestation of our collective hopes for a brighter future for our children and this State. It includes 10 campuses spread across the state, over 8,300 employees serving over 48,000 students enrolled annually. Its expenditures are put at over \$766 million, and this is put into our economy every year generating nearly \$789 million in revenues.

“Mr. President, this body has been asked to advise and consent to the appointment of six new regents to the Board of Regents. They set the policy and govern this very important system. Your Committee on Education has therefore deliberated with due care and diligence before making its recommendations to this body.

“Each nominee was sent a questionnaire that we hoped would help prepare them for the kinds of questions the Committee might ask, and at the same time, give the members better understanding of each nominee’s views. Every member of this body was given a copy of their responses along with the nominee’s resume. A letter accompanying the questionnaire requested that each nominee make an effort to visit the members of the Senate Education Committee and as many Legislators as possible. The letter specifically stated that ‘the purpose of these visits is to allow members of the Legislature to become familiar with you as a potential member of the important University of Hawaii Board of Regents.’ At the time of the hearings, many members had not had an opportunity to meet with some of the nominees.

“Concerns center around the perception of the limited knowledge of the university system, the community colleges, the West Oahu Campus, and some of the other major public issues involving the university, such as the impact of the state auditor’s recent report on the university and the University of Hawaii Foundation. Other concerns expressed by members include lack of geographic representation of the entire board where the preponderance of trustees would be from Oahu. Especially noted was the loss of one representative from the Big Island, the home of the University of Hawaii at Hilo. West Hawaii has continuously represented by a member for the last 35 years, and East Hawaii by a member continuously for the last 24 years.

“So Mr. President, I would like to thank each member of your Education Committee for their efforts, their forthrightness and their contribution to upholding the process and meeting their responsibilities during this confirmation process. Accordingly, Mr. President, I’ve asked members to present the results of the Committee’s findings and recommendations for four of the committee reports. I’ve asked the Senator from Mililani for Gov. Msg. No. 274, the Senator from Maui for

Gov. Msg. No. 276, the Senator from Enchanted Lakes on Gov. Msg. No. 277, and the Senator from Alewa/Liliha on Gov. Msg. No. 279, Mr. President.

“Thank you for this opportunity.”

Senator Menor rose to speak in support of the nominee and stated:

“Mr. President, I rise to speak in support of the gubernatorial nominee Byron W. Bender.

“Mr. President, Dr. Bender is eminently qualified to serve as a member of the University of Hawaii Board of Regents. I have known him since he served in the positions as president of the University of Hawaii Professional Assembly, and also as a member of its board of directors and I really have the utmost respect for Dr. Bender.

“Dr. Bender holds a BA degree in English, MA and Ph.D. degrees in Linguistics, and presently holds the position of Professor Emeritus with the Department of Linguistics at the University of Hawaii. Dr. Bender has also been an active member of many professional and community organizations, including the University of Hawaii Faculty Senate, the University of Hawaii Professional Assembly, the Hawaii Public Employees Health Fund, and the Linguistic Society of America, among others.

“Mr. President, your Committee on Education, of which I serve as a member, after full consideration of the background, character, experience, and qualifications of the nominee, has found Dr. Bender to be qualified for the position to which he has been nominated, as a member of the University of Hawaii Board of Regents, and I strongly recommend his confirmation.

“Thank you.”

Senator Kokubun rose to speak in opposition and said:

“Mr. President, I rise to disagree with the governor’s message.

“Mr. President, I disagree with the governor’s message, because in my mind, the message conveys that the University of Hawaii at Hilo is not significant enough as a component of the university system to warrant a member on the Board of Regents.

“I want to make it very clear that my opposition to all the Governor’s nominees is neither a personal attack nor a partisan statement. I just strongly believe that the perspective of the University of Hawaii at Hilo is necessary on the Board of Regents. The University of Hawaii at Hilo has matured into an outstanding educational institution through many actions, including support from the Legislature, which are extremely appreciated by all its students, faculty and administration, and the Big Island community in general.

“The University of Hawaii at Hilo continues to consistently energize the city of Hilo and the County of Hawaii economically, culturally and socially. Since the inception of the University of Hawaii at Hilo, there has been a member on the Board of Regents from East Hawaii. That member has always served ably as a communication link between the university and the community, as that central advocate for the university on the board and as the respected and recognized representative for East Hawaii in the statewide university system.

“I am certain that the Governor, as a former chief executive of a neighbor island community, can appreciate the significance

of a neighbor island perspective in a statewide system. So when reviewing the governor's messages regarding nominees to the Board of Regents, I was disappointed to discover that the critical past practice of providing the voice for the University of Hawaii at Hilo on the Board of Regents was absent.

"I have expressed my strong concern to the administration, to the Chairman of the Senate Education Committee, and with those nominees with whom I have met. I have made it clear in those discussions that my opposition is to the governor's message and to the prospect of not having the University of Hawaii at Hilo represented on the Board of Regents. It was never a personal statement about the qualifications of the individual nominees.

"So Mr. President and colleagues, I rise in opposition to this governor's message, and I will carry that position forward tonight with respect to all of the nominees for the Board of Regents. Thank you."

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

Ayes, 24. Noes, 1 (Kokubun).

Stand. Com. Rep. No. 1648 (Gov. Msg. No. 276):

Senator Sakamoto moved that Stand. Com. Rep. No. 1648 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of TRENT K. KAKUDA to the Board of Regents of the University of Hawai'i, term to expire June 30, 2005, seconded by Senator Hooser.

Senator Tsutsui rose to support the nominee and said:

"Mr. President, I stand in support of Gov. Msg. No. 276, gubernatorial nominee Trent K. Kakuda.

"Mr. President and members of the Senate, Trent Kakuda is a young man who grew up on Kauai, attended the University of Washington, which I might note may be the one flaw in his resume, and returned home to earn his Bachelor's degree in political science and Japanese from the University of Hawaii, and that's where he made it up. He has taught English in Japan before returning to the Manoa campus to seek his Juris Doctorate at the Richardson School of Law.

"His work experience included service as a legislative aide in this house which has given him the perspective on the process of the Legislature. He also has worked in the office of the Board of Regents, making him familiar with the issues affecting higher education in our State.

"His service as a regent, therefore, will be based on his solid foundation and experience and knowledge. Here is a nominee who will not only serve as a capable and articulate student member, but as a lifelong Hawaii resident who believes in the university and who wants to build it on the legacy and service to the people of Hawaii.

"Ladies and gentlemen of the Senate, after a thorough consideration of character, qualifications, and the background of the nominee Trent K. Kakuda, I urge you in joining me in confirming him as a member of the University of Hawaii Board of Regents.

"Thank you, Mr. President."

Senator Hogue rose in support of the nominee as follows:

"Mr. President, I proudly rise in support of this nominee, Trent Kakuda.

"Mr. President, I want to point out something that you already know, Trent Kakuda works in your office. There are those who might say that this would be a conflict of interest and there are those who might say that you might be able to put some undue pressure on this young man, but I believe, after talking to him and listening to him – he's a very articulate, very well-qualified young man – that he will maintain his independence, that he will maintain his integrity, and that he will do a very, very good job.

"So, I am proud to stand here and support this young man to the University of Hawaii Board of Regents. Congratulations, Trent Kakuda.

"Thank you."

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

Ayes, 24. Noes, 1 (Kokubun).

Stand. Com. Rep. No. 1649 (Gov. Msg. No. 277):

Senator Sakamoto moved that Stand. Com. Rep. No. 1649 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of CATHERINE LAGARETA to the Board of Regents of the University of Hawai'i, term to expire June 30, 2007, seconded by Senator Hooser.

Senator Hogue rose to speak in support of the nomination and said:

"Mr. President, I also proudly stand in support of this nominee.

"On behalf of the Education Committee, I want to say some very great things about Catherine Lagareta. Many people wondered. She opined to us in testimony. They didn't even know who Catherine Lagareta was because they had never heard the name Catherine . . . that it went with Lagareta. They had always heard Kitty Lagareta, because Kitty Lagareta is a very important person in our community.

"She holds numerous awards. She's on numerous committees. She has been the president and chief executive officer of Communications Pacific for many, many years. She is just a dynamic, dynamic force in our community, so dynamic, in fact, that I attest to you that you've all heard of the energizer bunny, but she is the energizer Kitty because she just keeps on going and going and going and she never stops, not at all. She's that kind of a dynamo, well respected, a leader, and a remarkable person.

"And probably a testament to her remarkable achievement is the fact that after the time that she had already become a mother and a housewife, she decided to go back to school and get her degree from (you guessed it) the University of Hawaii.

"She will be a leader on the Board of Regents. She will be a great, great leader on the Board of Regents and a credit to the University of Hawaii. So I hope that you all support Catherine 'Kitty' Lagareta, the energizer Kitty.

“Thank you very much, Mr. President.”

Senator Baker rose to speak in support with reservations and said:

“Mr. President, I rise in support of this nomination with reservations.

“My reservations have to do with this and several other nominees who did not avail themselves of the opportunity to stop by many of the Senator’s offices to introduce themselves and give us an opportunity to ask them about their qualifications and about their commitment to the university. This was one such nominee and that’s why I’m supporting it, but with reservations.”

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

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

At 8:31 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:36 o’clock p.m.

The President then made the following observation:

“Members, for Gov. Msg. No. 278 on the Order of the Day, I’d like to make the correction that the O.D. has it as Gov. Msg. No. 279 and it should be Gov. Msg. No. 278.”

At 8:37 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 8:38 o’clock p.m.

Stand. Com. Rep. No. 1650 (Gov. Msg. No. 279):

Senator Sakamoto moved that Stand. Com. Rep. No. 1650 be received and placed on file, seconded by Senator Hooser and carried.

Senator Sakamoto then moved that the Senate advise and consent to the nomination of ALVIN TANAKA to the Board of Regents of the University of Hawai’i, term to expire June 30, 2007, seconded by Senator Hooser.

Senator Chun Oakland rose to speak in support of the nominee and said:

“Mr. President, I rise to speak in support of Gov. Msg. No. 279, Alvin Tanaka.

“Mr. President and colleagues, Alvin Tanaka holds a Bachelors and Masters degree in Business Administration, and presently serves as president and manager of Pacific Transfer LLC. Mr. Tanaka has been active with the Hawaii Stevedores, Inc. and the Aloha Council of the Boy Scouts of America.

“During the Senate Education Committee hearing, the Committee received testimony in support of the nominee from the council member from District VIII of the City and County of Honolulu and two individuals.

“Committee members then diligently questioned the nominee regarding his qualifications and his ability to exercise judgment and make decisions independent of political affiliation on issues of mutual concern related to the University of Hawaii.

“Mr. President and members, we believe this appointment is well deserved. I am confident that Mr. Tanaka has the necessary character, experience, and qualifications to serve on the Board of Regents of the University of Hawaii. And although he couldn’t be here this evening, I believe that we should recognize what he has contributed to our community and what he can contribute to the Board of Regents.

“I urge all of my colleagues to consent to this nomination. Thank you.”

Senator Baker rose with reservations and said

“Mr. President, I’d like to support this nomination with reservations.

“This is another instance where the nominee for this very important post did not make himself available to members of the Senate.”

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

Ayes, 24. Noes, 1 (Kokubun).

Stand. Com. Rep. No. 1651 (Gov. Msg. No. 275):

Senator Sakamoto moved that the Senate not consent to the nomination of SHELTON G.W. JIM ON to the Board of Regents of the University of Hawai’i, term to expire June 30, 2007, seconded by Senator Hooser.

Senator Hemmings rose to speak against the Committee’s recommendation as follows:

“Mr. President, I rise to vote against the Committee’s recommendation and therefore vote in favor of placing Shelton G.W. Jim On on the Board of Regents of the University of Hawaii. I want to share some remarks and perspectives on this issue that I think will be salient to the ensuing discussion tonight on this and Gov. Msg. No. 279.

“Several days ago, this nomination was relatively a non-contentious issue. Unfortunately, efforts to resolve the ensuing debate on this matter failed and it has become extremely contentious. For me personally, it’s now become a matter of principle, honor, and dignity.

“Sometimes, in the course of human events, good people value principle and honor over their own convenience and well being. Sometimes, people, in the face of overwhelming adversity, stand their ground. We have an example of that in our Senate Chambers. There’s a Senator who has stood tall in the face of adversity on matters of principle on several occasions. We know the practice of this Legislature is that when you don’t have enough votes to support a bill, the Majority Party simply takes the bill back into caucus. Well, the Senator I’m referring to, on several occasions, has chosen to stand his ground on the Floor in the face of defeat because he’s a man of principle. You know who he is and you know how much we respect him for his principles.

“In this context, I would suggest to you that there are two other men with us this evening of principle and honor that could have walked away from this nomination and saved themselves and the good Governor of this State much pain and anguish. Those men are in the gallery tonight to stand tall in their quest and to face their foes in a dignified manner.

“I support the Governor’s nominees Shelton G.W. Jim On and Edward Sultan for many reasons. And I’m sure my

colleagues from both sides of the aisle will listen closely to the debate and vote with conscience on these matters.

“Last night, I requested copies of letters or e-mails that I was told were being circulated that besmirches the character of one of these nominees. I was led to believe there were many. I asked for copies of these documents and the good Chairman of the Education Committee, I might say with concerns in his eyes, brought me the copy of one e-mail.

“The author of the scurrilous letter is only known to the recipient and the deliverer of the letter, but was not divulged to me. The nominee attacked in this e-mail does not have the opportunity to face his accuser. Hence, this e-mail is nothing more than a soiled parchment not worthy of our recognition, and the author of it should hang his head in shame for attacking a good man and not having the courage to stand by his attack.

“I hope that my colleagues will not succumb to any hearsay or accusations in which the accuser does not have the courage to stand up and be accountable.

“The record will show that the legitimate testimony in the Committee on this nominee and the subsequent nominee was supportive. There was no negative testimony. The record will also show that this nominee is eminently qualified both as a lawyer, a CPA, and a man of great integrity.

“I might note just parenthetically it might be wonderful to have a CPA on the Board of Regents, as the university is constantly down at this Legislature pounding on our desks demanding more money. I happened to notice they’ve just spent \$81 million to get a logo that probably their art department could have produced for free.

“It’s interesting to note that several Senators reiterated to me on numerous occasions that their opposition was not political. It’s quite a surprise to see the committee report, unbelievably to me, said just the opposite. Let me quote: ‘concerns expressed by several members about the nominee’s responses’ to a number of other things, and ‘his political affiliation as reflected in his testimony.’ I cannot believe you put it in writing, and you tell the public and you tell us this is not political and you put it in the committee report that you were concerned about his political affiliation.

“Another Senator who is most cerebral, in spite of her high school deficiencies (I was trying to interject some humor there, Mr. President, very little or it might have gone over someone’s head), said and let me quote, that she would ‘follow the lead of her Chairman.’ I pray not. I hope we, as we have done before, will vote with our intellect and our good conscience and our hearts, and not, as we’ve done before and as sometimes we have not done, rubber-stamp the edicts of a Committee Chairman.

“In closing, one of the finest hours of this Senate occurred last year on Second Reading of the physician assisted suicide bill, which passed with a 13/12 vote. The bill, after the most emotional and sincere debate I’ve ever experienced, was defeated on Final Reading 1411. That tells me that this body is made up of good people, of people that have compassion, people that can change their mind and do what is ethical and right.

“The right thing to do tonight is to vote ‘no’ on this committee report and thus put this gentleman on the Board of Regents. I hope that you do that. Thank you, Mr. President.”

Senator Ihara rose and said:

“Mr. President, I have a point of order.

“Rule 37 of the Senate Rules, No. 5, says that rather than voting on the recommendation of the Committee to not consent, Rule 37 (5) says, ‘The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: “Will the Senate confirm (or consent) to this appointment?”’

“So I believe the question is to be made in a positive and then those who want to confirm would vote ‘aye’ and those who want to reject would vote ‘no.’

At 8:53 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 9:04 o’clock p.m.

The President then stated:

“Senator Ihara, your point has been well taken. I will now call on Senator Hemmings to positively restate that motion.

“The Clerk is directed to file Stand. Com. Rep. No. 1651.”

By unanimous consent, Stand. Com. Rep. No. 1651 was received and placed on file.

Pursuant to Senate Rule 37(5), Senator Hemmings moved that the Senate advise and consent to the nomination of SHELTON G.W. JIM ON to the Board of Regents of the University of Hawai’i, term to expire June 30, 2007, seconded by Senator Hogue.

Senator Hemmings rose to speak in favor as follows:

“Mr. President, in light of my view of my previous remarks speaking against the committee report, I have to amend them to now have my remarks entered into the Journal speaking in the affirmative to the nomination to the Board of Regents.

“I also have to inform my colleagues that I’m on the Ways and Means Committee and I made a slight dollar error. I referred to the cost of the logo as \$81 million when in fact it came at the bargain price of \$81,000. But a million here, a million there, pretty soon it’s real money. (Laughter.)

“Thank you, Mr. President.”

Senator Hogue rose to speak in favor of the nominee and said:

“Mr. President, I rise to speak in favor of this nominee, Shelton Jim On.

“Mr. President, I’m asking all my colleagues to think about three Ps, not three peas in a pod. One is politics. The other two are professional, and the third one is person. I’m asking you to consider not the politics, but consider the professional and the person.

“Colleagues, I have several letters here in support of the professional Shelton Jim On. Many of them are from attorneys, attorneys just like the scurrilous e-mail that we heard about that was passed around that said some things that were not positive about Shelton Jim On. These letters, which were signed by his colleagues in the legal profession, speak very highly of Shelton Jim On. This one that was signed my Mark Recktenwald, whom I think you all know and respect very greatly, talked about Shelton Jim On’s excellent reputation. It talked about the fact that he is a tireless worker. Here’s another one signed by a colleague, Henry Bereman who talks about Shelton being

highly motivated and energetic and that he has long expressed an interest to become more actively involved in the University of Hawaii. Here's another one from Russell Yamashita, he says, 'As you may already know, Shelton is a practicing attorney and a licensed CPA. There are not many people who have the ability and perseverance to make such an achievement,' and Russell Yamashita ought to know because he too is an attorney and a CPA and he knows how difficult it is.

"I want read you an entire letter from a gentleman named Kevin Sumida because it sums up, colleagues, the way that many of Shelton Jim On's professional colleagues feel about him:

'For the past 24 years, I have been practicing as an attorney in Hawaii. I have known Mr. Jim On in a professional capacity for some 15 of those years. More often than not, he is representing a party adverse to my client. I have no social relationship with him.

'In my years of practice, I have known Mr. Jim On to be a very sharp, very competent, and a very aggressive litigator. I have found myself to be very challenged when he is on the other side, and while I will confess that at those times I do not very much care for him when he is pounding the flesh of my clients or myself, I do appreciate that he is only doing his job and doing it very well.

'More importantly, Mr. Jim On has always acted professionally, honorably, and yes, courteously. He has always kept his word and has always stayed within the bounds of his ethical obligations. He is one of the few attorneys in town with whom I am comfortable making agreements on a handshake.

'I am satisfied that Governor Lingle is interested in appointing people who are qualified, regardless of their political affiliations. Her recent judicial appointments of James Duffy and Rhonda Nishimura, both of whom have strong connections to the Democratic Party, are proof of her intent. I believe that Mr. Jim On's nomination to the Board of Regents is similarly based upon the Governor's desire to appoint the most qualified individuals.

'Mr. Jim On is an excellent choice for the Board of Regents. If my experience with him across the table is any indication, he is willing and able to ask the hard questions and will quickly focus in on the key issues. He is a licensed CPA and a lawyer and can bring all of his training and experience to bear upon the tough problems which face the University of Hawaii.

'He is unfazed by complex matters, especially financial matters. He is a hard and dedicated worker and is unafraid to put in the time necessary to get the job done. I know this from personal experience because I have been on the receiving end of his work effort.

'Mr. Jim On is not a bureaucrat. He is a problem solver. I think you need more people like him on the Board of Regents.'

And it is signed, very truly yours, Kevin P.H. Sumida, and it is an example, colleagues, of the professional respect that Shelton Jim On enjoys as an attorney.

"Finally, as you consider the professional Shelton Jim On, I hope that you will consider the person Shelton Jim On.

"There's been much talk about the lack of neighbor island representation. Shelton Jim On was born on a neighbor island.

He was born in the little community of Paia on Maui. In fact, he lived there for the first 11 years of his life – going to the beach, running around town. His parents, interestingly enough, were public school teachers. He lived in a plantation home. Sound like anybody that you might know?

"When he was 11 years old, he move to Wahiawa on the island of Oahu. Here, out on the North Shore, he began his love affair for the culture of Hawaii and the public school system for Hawaii. He went to Leilehua High School. In fact, he was a classmate of the Bunda family. In fact, I believe that some of the Senate President's brothers went to school with Shelton Jim On. Shelton then went on to the University of Hawaii and he continued this rise from the plantation, from the local boy, from the little Maui boy, to reach out and become the best that he could possibly be, graduating with high honors – high honors – from the university. That wasn't enough, then he went on to get a law degree, to pass the CPA exam, which is extremely, extremely hard. But more than that, this was a man who wanted to be a part of Hawaii.

"This son of two public school teachers, this young local boy from the island of Maui, he met a young lady by the name of Portia and he made that lady his wife and they had two children, Shelby and Spencer, and he loves, he loves those children so much. And he loves the children of Hawaii. Does this person sound like anyone that you know? Does this person sound like, perhaps, you? Does this person sound like someone who has reached up and tried to do the best that they possibly can for themselves, for their families, and for the State of Hawaii?

"Consider, colleagues, as you make your vote, consider what you are voting on. I think, as you look at this nominee, that you should consider yourselves in his place, consider your love for the islands, your love for the University of Hawaii, your love for your family . . . consider that. Consider the person, consider Shelton Jim On who will do a fantastic job representing you and your family on the University of Hawaii Board of Regents.

"Thank you very much, Mr. President."

Senator Hooser rose in opposition to the nomination and said:

"Mr. President, I rise in opposition to the motion.

"I'd like to preface my remarks to say that I respect and honor the statements made by my Senate colleagues preceding me. I truly do and know that their testimony is heartfelt and sincere. I believe and I was raised to think and to know that good people, good, honest people of high integrity and high morals can look at the same set of facts, the same situation, the same series of events, and come to different conclusions. And that's what we have here, in my opinion, and I appreciate the professionalism of the debate and the tone of the conversation and mutual respect.

"As a member of the Education Committee who voted with the Majority not to recommend advise and consent, I feel compelled to speak on this issue.

"On Tuesday, April 22, at 3:00 p.m., just a few days ago, the Senate Committee on Education held a public hearing to review the nominations of six individuals to the University of Hawaii Board of Regents. In my opinion, this is, if not the most important nomination that I will be voting on and reviewing, certainly one of the most. It's a very large \$700 million organization. It's perhaps the most important institution to our state and to our future, to our education.



“At the end of that day, after hearing all the testimony, listening to the questions and answers provided by a wide variety of people on topics and issues related to the University of Hawaii, in speaking directly with the nominees, at the end of that day when all the information was combined and filtered through my brain, my heart, and my conscience, at the end of that day I found myself unable to support the nomination of two nominees. Since that time, I’ve had individual meetings with both nominees and have spoken with numerous individuals, some who have expressed support and some who have not.

“You know, speaking and voting in opposition to nominees is one of the most difficult things that we as Legislators have to do. Issues, oftentimes, aren’t personal, but here we have two individuals, try as we may, and the arguments tend to be interpreted as personal. And it’s uncomfortable and it’s difficult, but I will not shirk my responsibility and vote in a manner contrary to what I sincerely believe is in the best interest of the people of this state simply because it’s a difficult and uncomfortable vote.

“The day following the original public hearing, the Chairman of our Education Committee informed the administration and the public that the public hearing had not gone well and that the inclination of the Committee members was not to confirm, and the administration was encouraged to withdraw that nomination. Unfortunately, the administration chose not to take this action, and so we are here today on the Floor engaging in what could become contentious and ugly debate over the issue. Thankfully, so far it has not become ugly.

“The situation presents an uncomfortable no-win dilemma for myself and many of us here. For those of us unwilling to support the appointments, we need to defend our decision. It means we must publicly criticize, at the minimum, the ability and the commitment of these people. If we choose to stay silent on our reason and defer the possibility of adding further insult to injury, we will get accused, as has already been done, of the action being a purely partisan effort orchestrated against our Governor. In effect, the better I present my argument, the harder it is on the people. And that’s a hard thing to do and I choose not to do that, though I need to do it to a point.

“Mr. President and colleagues, members of the public, regent nominees, for what it’s worth, in my opinion based on my personal experience with this issue as it’s developed over the past few days, this simply is not a partisan issue intended to embarrass or offend the Governor. The honest truth of the matter, Mr. President, is that on April 23 at the end of the nominees public hearing, after hearing all the testimony, after listening to the questions and answers provided on a wide range of topics, after speaking directly with the nominees, at the end of that day, a majority of the Committee members – a majority of the Committee members – left that room all with the same thought and they’ve come to the same conclusion. And that conclusion was that they were unable to support these nominations. I see that hearing as I would see a job interview. And for whatever reason, in my opinion, the applicants, the nominees, flunked the job interview for whatever reason.

“I’m not here at all one little bit to question their integrity, to question their character, or to question their ability and success in their own lines of work and their own professions. I’m here to say that after that meeting and after discussing the issues personally with these individuals, I do not have the confidence that I need to appoint to this very important position.

“It’s been argued that we need a compelling argument to vote against them. I need a compelling argument to vote in support and the nominees, for whatever reason, were unsuccessful. I think anyone who attended that meeting,

anyone who attended that meeting and is honest with themselves will say that there was a problem. That meeting did not go well and subsequent meetings did not reassure me any further.

“There is no conspiracy. I was there. I was there and I was very disappointed. Anyone who was there, again in my opinion, would acknowledge that there was some serious problems. I’m not questioning the integrity of the candidates. I certainly am not questioning the character nor, again, the success in their chosen fields of work. However, Mr. President, I do question their judgment, and a question of judgment leaves inevitably to a question about their ability and qualifications.

“Essentially, yes, the interview went badly. Questions were not answered. Some of them there was apparent lack of preparedness. It just did not go well. Underlying this was an issue mentioned earlier about politics and the political question in the committee report. That comment in the committee report is attributed to me, and I take full responsibility for that. I’m the one that raised those comments. I don’t believe any other Senator in this room raised that at the meeting.

“I want to say that ten years ago, I came over to the Senate and met with the late Senator Matsuura and talked to him about cronyism in the Democratic Party. I talked to him about his efforts fighting and investigating that. And as a result of those discussions, I became active in government and politics. It’s a reality of the business that we’re in, and underlying the bad interviews, underlying the bad interviews is a thread of political . . . it’s a perception, Mr. President, of political insiders. After all, four of the six nominees had direct political connections to the Governor. Three are clearly high-powered, campaign, big-money fund raisers, some of whose spouses are also appointed to high and powerful positions in this government.

“I think we have to deal with perceptions. Sure, maybe it happens a lot. It doesn’t question their integrity. It doesn’t question their qualifications, but I think it’s important to the people of this state that we go out of our way to avoid perceptions that are being presented here. And that was my concern. I expressed that concern. My vote is not based totally on this but this is part of the package. There is no question about it.

“There’s talk of a new beginning, and I said at the Committee hearing that I believe in that stuff. I believe that we should not be doing this. We should be going out of our way to find good and qualified people who are out there in the community to fill these positions, and those people are out there. Again, it’s a question of perception.

“I believe that we should not reward our friends and punish our enemies. I truly believe that. Again, perceptions led me to not be comfortable with this. Looking at the totality of the issue, looking at the interview process, looking at my own personal concerns and I say these are my concerns, I did not feel comfortable voting for this.

“In closing, I’d like to say, a couple hours ago . . . all day long the last few days, people have been clearly lobbying or trying to educate or trying to convince us one way or the other how to vote on these issues. A few hours ago I received a call from a senior policy advisor of the Governor who spoke to me at length trying to convince me to change my mind. I honor and respect that and it’s great. However, when it became clear that I wasn’t agreeing readily to the arguments presented, the conversation turned to this partisan political accusation that this is why we’re doing this. And I told this individual, I said are you telling me that you believe I’m voting this way for the only reason to embarrass the Governor? And the answer was yes.

And I was insulted then; I'm insulted now – my intelligence and my integrity. It's downright insulting and it makes me angry. That is not the reason. I vote my heart and my conscience, and no one tells me how to vote.

“Furthermore, at the end of that conversation, it was made clear to me that if I voted in the wrong way, if I voted the way I'm going to vote tonight, there would be a price to pay. It was clearly stated to me that they would go to my district and go speak to rotary clubs and lions clubs and chambers of commerce and tell them about my vote and there would be a price to pay. I do not take well to political threats, intimidation, or bullying. I'll give everybody a pointer here, if you want to convince me of your point of view, I suggest an honorable and professional mutual respect – don't try to push me.

“Thank you.”

Senator Slom rose to speak in support of the nominee and said:

“Mr. President, I rise in strong support of the nominee, Shelton Jim On.

“While I'm not on the Education Committee, I was on the Committee for four years. I am, however, a graduate, a proud graduate of the University of Hawaii, and I've managed to keep active with the University of Hawaii, its events and activities, for many decades now, and I'm very concerned about what direction this discussion has taken and what's happened in the last couple of days.

“When the last speaker says that everyone left the room with the same feeling, the speaker is wrong and he knows he's wrong. If everybody had left the room with the same feeling, we wouldn't be having this long debate tonight.

“The question was asked, why didn't the Governor withdraw the nominations or why didn't the nominees just withdraw themselves? The answer is – why should they. They have nothing to withdraw from. The question has been asked, what is the basis for denial of these candidates? And those in opposition to them have said it's not their character; it's not their integrity; it's not their experience; it's not their background; it's not their success – then what is it? And now we've just heard about supposed and alleged political threats. Well, this is a political body and decisions are made politically in this body.

“In the six years that I have served in this State Senate, I have had the opportunity to review those candidates who had been nominated for various offices by the former Governor, and I can tell you with absolute honesty and certainty – and those of you that have been here that period of time or longer know it's true – many of them had far fewer qualifications and experience than does Shelton Jim On. And yet they were passed. And I supported them because I believed that if this were the Governor's choice, and barring any negative reasons for those areas that were so clearly elucidated – integrity, character, experience, background, actions – barring any hard evidence to the contrary, my political decisions, my political opposition should not be important.

“There have been some very interesting statements that have been made in the last couple of days and this evening. For example, the issue of the famous report done by the legislative auditor – the woman who I probably respect more than any other individual in this state other than the Governor of this state – who was a classmate of mine at the University of Hawaii, every year we give lip service to the wonderful work that our state auditor does. We praise her. We do everything.

We say how wonderful these reports are and then we let them languish on the shelf cause we don't implement them, because in order to implement them, we'd have to make changes. In order to implement them, we would have to understand that there have been failures on individual's watches up till now. So, for somebody to say I can't vote for that individual because he wasn't familiar with that report is hypocritical.

“There's one individual in this Senate that's spoken tonight that I greatly respect. The position was enunciated first by the Education Chairman. He said that we need someone representing the neighbor islands, or the Big Island, specifically. And you heard the Minority Floor Leader describe the background of our nominee who was born on a neighbor island, who has neighbor island roots. But I respect the Senator from East Hawaii who has voted 'no' on every one of these nominations, because to him, it was a matter of principle that there should be someone from the neighbor islands. He felt that they weren't recognized and he voted 'no' on very one of them. That was not personal; that was not political.

“So one must then ask, Why Shelton Jim On? Why was Shelton Jim On singled out, if in fact the Committee, the Education Committee, were unanimous – and they were not, the vote was four to three – if the Committee were unanimous and that were a major problem of not having neighbor island representation, then they should have turned down all of the nominees.

“And then there was the issue raised about the West Oahu campus, and yet we know that there were a number of nominees who either were not asked that question or whose answer was already known, that they do not support the construction and start of an additional campus until we accept our responsibility and take care of our main campuses at Manoa and Hilo . . . not that we don't like West Oahu, but that's a business-like and fiscally responsible position to take.

“And then the question comes up and it's written in both reports, the committee reports, that several of the committee members questioned whether or not the nominee can exercise judgment and make decisions independent of political affiliation. I don't remember hearing that question asked specifically to the nominees, and I don't remember the nominees saying, 'No, gee I really can't. I'm so beholden to the political situation that I won't be able to exercise independent judgment.' And if we look at the background of these two individuals, and particularly Mr. Jim On, over 25 years we see an independence of judgment. We see that from his peers. We see it from people in the community.

“Now maybe he is not a household name like certain other individuals. I recall at the beginning of this Session, certain Legislators had problems because the nominees that had come forth from a very elaborate process from the Governor, where she got so many people in this community involved and so many people came forward to volunteer, the problem was that the nominees were not household names. They weren't the sons of, the fathers of, the brothers of, or the old recycled politicians that we normally have had here filling all of the vacancies. These were new people with new ideas and new visions. And yes, people can look at a situation or an individual and come up with a different idea, and there's nothing wrong with that at all. But maybe some of the things that have been said tonight reflect more on the speakers and their inadequacies and their lack of judgment, because it is our responsibility as Senators to go that extra mile and find out if we're going to turn somebody down, we better have a good reason for doing it.

“And, oh yes, this idea about I guess some people's feelings are hurt because they didn't have personal visitations from the

nominees. We have been rushing this process in the last couple of weeks trying to get nominees appointed. I, for one, was not contacted by the nominee who has now been confirmed as the Associate Justice of the Supreme Court and I know several of my other colleagues were not contacted either, and he is a very prominent, very visible, very well known member of the Majority Party. But that didn't stop me from supporting him because of his experience, and his background, and his integrity, and his character. It didn't stop the Minority Leader from representing our support for this gentleman, because he's qualified, and yet what we're seeing tonight is character assassination.

"What we're seeing is people trying to scramble to find reasons to turn down perfectly qualified individuals who the Governor – the same Governor that appointed that Associate Justice, the same Governor that appointed 16 cabinet level people that were unanimously approved here, that same Governor through that same process of community involvement supports and has faith and confidence in these individuals. And now, all of a sudden, we're questioning her judgment? Can we be selective about it? Can we talk about politics? If we want to talk about politics, particularly at my alma mater at the University of Hawaii, let's go to the top. Let's go to the president. If we want to talk politics and political affiliation, let's go to the president. But oh, wait a minute, we don't confirm the president of the University of Hawaii.

"And if we want to talk about a \$700 million institution, which we should because the auditor's reports and other reports have been very critical about financial questions and inaccuracies at the University of Hawaii, one would think one would demand that we would have independent individuals particularly trained in law, in finance, in business. And to say that this individual does not have a commitment to the university or to the community, who are we trying to fool here? It's a commitment to volunteer to serve and to go through this process. That's why so many people don't want to do it. They're not doing it for the high salaries; they're not doing it for the prestige. They're doing it for the public service. Shelton Jim On has shown his commitment to public service over more than a quarter of a decade, most recently serving on the reapportionment commission.

"No one has had any problems up to this point, so one must ask why this individual? Why these two individuals? You don't like their vision, then we should have allowances for different visions. You have concerns, then bring those concerns here and let's put them on the table, not just Felix. If we're talking about a job interview, those of us that hire people regularly know that oftentimes people don't answer the question the way you would like it to be answered, but you go beyond that. That's your responsibility as an employer; that's our responsibility as Senators. Some people are trying to duck their responsibilities.

"So I ask again, What is the basis for denial for these individuals? I can't find any. Nothing has been put on the record. As has been said, there was no negative testimony, only one scurrilous e-mail, which everybody says doesn't make a difference, but they can't give us anything that does make a difference. And again, that's our responsibility.

"The university is a treasure, but the university has been in trouble. The university needs independent judgment, and these candidates have not been proven to lack that judgment, that experience, that passion, that commitment, and for us to say otherwise is hypocritical.

"So I urge my colleagues to think about all of these things and put them in proper perspective, especially considering

confirmations that have already been made tonight, and to vote in favor of these qualified gentlemen.

"Thank you, Mr. President."

Senator Sakamoto rose to speak in opposition as follows:

"Mr. President, I rise in opposition to the motion.

"Mr. President, first, there were some remarks made that are perhaps sincere on the part of the people making them, but let me, at least for the record, correct some of the misperceptions or perhaps improve the communication on some issues.

"I think people are dragging and crying and saying no negative testimony, etc. In our humanness, Mr. President, it's not about a public place to really bring out a person's fault. And I've said that and it was reported in the paper accurately that I did not want to list the problems that were there, and I don't want to. And I'm afraid if this debate goes on, someone will indeed read some of the things that have been said or get into things that are personally hurtful, and I don't want to go there.

"On the next point about some political concerns raised, I think the good Senator from Enchanted Lakes did raise those concerns as well because it is, as the Senator from Kauai said, a problem of perception. It isn't one party or the other. I think it's concerns that are valid, and I think the good Senator raised the issue because it needed to be raised. I think the candidates answered that particular question to say no, we wouldn't be this or that. And one candidate, not this particular one, said in fact, 'I have opposed the Governor on issues, and that's how I intend to act as a regent.' And that candidate has already been confirmed. So, on that issue, this is not that. And yes, it was part of the discussion by both sides here, Mr. President.

"On another issue, Mr. President, tireless, energetic, works hard, diligent, competent – I have people like that working for me, Mr. President, and indeed they do pound, and they're tireless, and they're energetic, and they're sincere, and they do a good job. But I wouldn't recommend them, based on those qualities, to be one of the wise men and women on the Board of Regents.

"Some of the accusations are, 'are we accusing these people that are on the Board of Regents to have poor qualities?' We're not talking about energy. We're talking about – do these candidates, in their job interview, rise to that point. And perhaps in golf, Mr. President, maybe your good Senator from Waipahu will say, 'Well, give me a mulligan; let me try again.' And I think in fact that was allowable in this case. We deferred the vote and people were allowed to advance the ball, obviously not by kicking it forward by attempting to win the day with second or third chances perhaps. And perhaps they've won the day with some members, and I think it's to their credit that they attempted to win the day on their behalf.

"But certainly for me, Mr. President, there are misstatements, not made on this floor today, but certainly in the paper with the previous Governor – one saying, gee, the Governor appointed Charlie Toguchi to be the superintendent of education. Will this Governor appoint the superintendent of education? I think not. I think that's the duty of the board of education. So it's easy to make statements, but I'd like to at least correct, sometimes, the misstatements out there, because unaddressed, people perceive them to be true.

"Normally in this process, we don't have a whole lot of discussion like this, although we've had with Ms. Bronster and several others prior, just as the Governor has on other

appointments, gracefully decided let's take another option than this option we have here. And I've asked her, through her staff and just before this floor, to try and short circuit this. I informed the nominees that at least in my perception, it was not going in their favor, and they have an opportunity, but here we are, Mr. President.

"I don't think it's fair to accuse those who speak against, perhaps, our inadequacies. I think this isn't about just hard work. These positions are sort of like, well, will you be on the board of the Bank of Hawaii or on the board of a major corporation, and that's not taken lightly. In fact, this corporation, this university is very important.

"A comment was made about the auditor's report. There's a bill before this very Legislature, and Mr. President, I'm not clear if we've done it yet, but the goal was to address the auditor's report and the UH Foundation to request more reporting to allow the auditor to indeed get better access to their records. There are times, perhaps, when we do not take action, as the Senator from Hawaii Kai has pointed out, but there are times when we do. It's not all this, all that, never this, never that. Many times it's things are drawn to the extreme.

"Mr. President, at least for me, after the hearing, especially the proceedings asking for forthright answers to questions and it didn't seem to be coming, that wouldn't be a person that I would like to be on the board of my Lion's Club, on the board at the Boy Scouts, at the board that I would be working with at some other level. Perhaps he would be competent on the board at the CPAs, at the board with the legal society, perhaps, but I'm not trying to malign him. I'm just saying that was the way I looked at this particular candidate. Certainly, the Board of Regents is a very major board, and perhaps the standards are higher for me than it may be of others, but I do have high standards in this regard. Perhaps the independent thinker runs contrary to my thinking. I think they need to be a smart person but a 'work together' person, because it's very important for us to work in harmony in this State.

"And there may be other remarks, Mr. President, but let me not belabor the point. Thank you."

Senator Inouye rose to speak against the nominee and said:

"Mr. President, I speak in opposition to the motion.

"Mr. President, like my colleague from the second district of Puna and Ka'u, I am disappointed as well that the Governor has not appointed a person from East Hawaii. I have raised this issue to the Education Chair, expressing my disappointment of a void in my district. Without the assistance from this and previous Legislatures, UH Hilo would not be the most popular small university in our country, its student population ever increasing annually, popular with students from many other countries. They love our small town community. I have asked Mr. Randy Roth if the Governor will consider appointing a regent for East Hawaii. He said he will relay the message to the Governor and she could consider one in the future.

"Mr. President, UH Hilo has come a long way from being a stepchild to Manoa and I will not allow an absence of representation from East Hawaii on the Board of Regents. I have no personal objections to the capabilities of the nominees.

"My predecessors from my island have worked long and hard to make UH Hilo what it is today. I made a commitment to continue their efforts when I ran for office for the Senate in 1998. Mr. President, I have no choice, I will vote 'no' on this measure, as well as Gov. Msg. No. 278.

"Thank you, Mr. President."

Senator Kim rose in opposition and stated:

"Mr. President, I also rise in opposition to the nomination.

"Mr. President, our good Senator from Kauai had many words and articulated many of the things that I also agree with and feel that he spoke very well about. In addition to those things, I feel that I need to speak to this nomination.

"Mr. President, not often do non-committee members of a committee get to attend another committee's hearings, especially in confirmation hearings. We are all in other meetings and hearings, and so, many times when we're not able to be in these confirmation hearings, we rely on the nominees to come and meet with us so we have an opportunity that when we reach the floor we can vote with some knowledge. Many times when we're unable to do that, we do in fact follow the lead and the recommendation of the Committee.

"In this case, Mr. President, I did make it a point to stop into the Education hearing for the confirmation, and I did so for a couple of reasons. The first reason was because I did have the opportunity to speak with one nominee. One nominee in fact did call and ask for an appointment and I was very pleased to be able to meet with that nominee. Kitty Lagaretta met with me in my office and I was very impressed with her. I had heard many things. I had heard that she was a political appointee and I had heard that there were some concerns about her, and so I took that opportunity to get to know Kitty. I was impressed with her straightforwardness, with her opinions, with her knowledge. She had obviously done her homework. She had read the minutes, very much like I had read all of the minutes from the HTA so I could relate to that. She had done the homework like I do my homework, and I certainly related to her and to her appointment. So I did attend the meeting because I wanted to observe her confirmation.

"Since none of the other five, none of them did call my office and ask to meet with me, I also attended because I wanted an opportunity to hear what these nominees had to say for this very important position with the Board of Regents. As you know, I have not always agreed with some of the things that have happened at the University of Hawaii. I've questioned our president in length and have not often agreed with some of the direction that they were taking. So I believe it is important that our regents are knowledgeable, willing to speak up, willing to ask questions, willing to do their homework, and to oftentimes have to ask and probe and even grill to get the information that we need.

"Mr. President, six appointees to the Board of Regents, six out of twelve – that's a huge number. That is half of the Board of Regents. This group of six, collectively as a group, can certainly change the direction and policies of the university. So it is very important, not individually, necessarily, but collectively as a group would certainly make a change. I'm not here today to say whether or not that change or any change should occur. That is something that the board collectively will decide.

"Mr. President, this is not partisan for me. This is not personal for me, although it's been said and insinuated. And I certainly take issue when I receive a copy of an e-mail from, apparently, the Republican Party (because it says on the bottom, paid for by the Hawaii Republican Party), when they state in this e-mail that the 'Democrats are ready to vote them down in a pure partisan effort. They do not want to see the Governor succeed and are willing to sacrifice good people to sabotage her efforts.' I certainly take issue to receiving this kind of e-mail

that was sent, I believe, to a large number of people of the Republican Party, with our phone numbers.

"I have supported every nominee that the Governor has sent down prior to now. And it's not easy, as some of my colleagues have said, to stand up and speak in opposition. And I have supported four of the other regents that have been sent down. So, to state because you may not agree with one or two or a few that all of a sudden you're partisan, all of a sudden it's political, and all of a sudden it's personal.

"Mr. President, it was the answers and the way Mr. Jim On responded to my particular questions that prompted me to ask even more questions. It was the fact that Mr. Jim On would not even state an opinion when I challenged him and told him that this was not a court of law, I was not going to hold him to an opinion, and yes, you can change your mind once you get on to the regents, once you speak to the other colleagues, once you speak to the administration. I just want to get an insight of the individual, the values.

"Mr. President, I was not so interested in even knowing whether or not Mr. Jim On agreed with any of my positions. It was not important whether he was for or against something. I just wanted to get from him a sense, a sense of where he would be on issues at the university, what kind of values you hold, his ethics. And many times, it is from these questions that we are able to arrive at how we feel on their philosophies, their backgrounds, their beliefs.

"I also agree, Mr. President, that there needs to be adequate neighbor island representation. I believe we need to have a broad representation of different individuals, not just on this board but all of our boards and commissions. But the bottom line is that the public confirmation hearing, members, the only time, as you know, that some of us have the opportunity, and also for the public, to judge these nominees.

"And yes, Mr. President, after the hearing, the next day, because of the news reports in the paper, I did receive an e-mail. And based on what was said today, you can know why the individual would not want to come forward and say their name when it's in the negative. I believe there was a conversation in the Governor's Office where we talked about fear. The public may have a fear to come before us and disagree with us, a fear that people within their own industry do not want to speak out and say anything negative for fear that they're going to have retribution. And certainly this individual told me that there may be some retribution, but because this individual felt very strongly, when I finally was able to reach him today, he said he would stand by his word; he would stand by his letter; and that I could certainly reveal his name.

"I did not want to release the letter or the e-mail, Mr. President, because it was negative. I did not want to circulate it, but I was pushed to do that on the Floor last night. This individual is an attorney who I believe is very reputable. I have worked with this individual when I was on the City Council with the Natatorium issue. His name is Jim Bickerton. Both his parents, he tells me, are faculty members of the University of Hawaii, and he himself is a University of Hawaii graduate and he felt very strongly about his statements. I respect what he said. Did I use that as my sole reason? No, I believe that my decision and my feelings about this nominee was actually arrived upon at the day of the confirmation hearing. This e-mail only confirmed some of the things that I might have suspected.

"We often get testimony, e-mails, phone calls from different individuals. Each of us holds different people that we know, trust, believe in and their opinions in different degrees.

"In addition, Mr. President, I also received several phone calls. One phone call in particular, the individual agreed that I may also say his name on the Floor tonight and it is a nonpartisan. This individual happens to be a Republican. He said he also helped out in the headquarters of Governor Lingle. He had worked with Mr. Jim On, and he had shared with me and said many of the things that was in Mr. Bickerton's e-mail. When that phone call came in, it just so happened that in the middle of that conversation, the Education Chair came into my office, so I asked if I could put him on the speaker box and he did in fact say I could. So the Education Chair got to hear the statements of this individual. I have not met this individual before. His name is Mr. Jim Marn from the McCully Associates, and he, too, felt that there would be retribution, but he felt very strongly and said that I could say his name.

"I did not want to do this, Mr. President. In fact, as I sat here contemplating what I was going to say, I actually crossed off that part and said perhaps I would not raise these names. But of course my colleagues across the way talked about scurrilous e-mails and these kinds of things only to emphasize why people do not want to come forward and have their names said out in public. But I respect these two individuals, despite what they might have to face tomorrow.

"Let me again reiterate, Mr. President, that these two testimonies in itself did not make up my mind. It only served to confirm my first impression on which I had based my decision.

"Thank you, Mr. President."

Senator Taniguchi rose to speak in favor of the nominee and said:

"Mr. President, I rise to speak in favor of this nomination.

"Mr. President, I went to college with Shelton Jim On. I know his family. His children and my children participated in youth sports in Manoa. He has always been courteous and civil to me. And because he lives in Manoa, I believe he will play a unique role. I believe he will be an advocate for the surrounding community. I believe that as a regent, he will look at the impact that the university decisions have on the surrounding communities of Manoa, McCully, and Moiliili, and he'll take that into consideration when he makes his decisions.

"That is why I will be supporting Mr. Jim On's nomination."

Senator Kawamoto rose to speak in opposition as follows:

"Mr. President, what I'm about to say will be difficult. I rise in opposition to the motion and to try to debate with my classmate and colleague who was the captain of the debate team of our university.

"I'd like to thank the Senator from Waimanalo if he was mentioning me as the stalwart Senator. (Laughter.)

"Mr. President, to me this is a nonpartisan issue. Thus far, I have been very impressed with the Governor's nominees. I was very fortunate to be able to confirm General Lee, Mr. Haraga, and Mr. Saito – outstanding individuals as we have seen them work throughout the Session. I've always mentioned, I even mentioned to the Governor, that I was totally impressed with the background and active research that they've done of all their nominees. In fact, we have confirmed over 130 governmental nominees to serve as directors, commissioners, and board members.

"However, these two nominees that are up next, Gov. Msg. No. 275 and Gov. Msg. No. 278, maybe it was unfortunate but I

was able to sit in on four of the nominees as they testified. All four I've asked the question about the University at West Oahu and Mr. Bender said only about maybe not more than 12 words about the University at West Oahu. Mr. Trent said maybe less because he was coerced by my colleague and friend, the Senator from Maui, trying to compete.

"But the reason why I'm so passionate about West Oahu is because I've spent so much time advocating for West Oahu. I spent 30 years advocating for West Oahu. I started with them in 1970 when I first came back from leave with the military. I also supported that activity because we told them at that time that this area is going to be the fastest growing area in this State, and it has come to fruition. We have over 300,000 people from Kahuku, to Pearl City, to Waianae, to Aiea, which will be all probably serving the West Oahu campus. We have 81,000 students going to school there. We have seven high school feeder schools that have over 2,000 students right now. And to deprive these students and future students this opportunity for higher education is indeed my job as I represent them, I feel.

"The questions and answers that were asked of these two nominees, the answers were the same answers when I questioned nominees and directors 25 years ago. This body cannot take another 25 years of being a Senator. This body can push as far as I can to make this happen, and I will.

"Maybe this will be a message to the University of Hawaii that we think it is very important. We think a commitment, as far as the University at West Oahu, is of the highest priority. And like the paper said, and I believe the Governor when she said that it would be irresponsible of Mr. Jim On to say he supported West Oahu just to please myself. I believe the Governor is right. He shouldn't say it just to please me, but he should say it to be committed to the students and all the students of this State. And to have the fastest growing area being erected for a campus that has been on the books for so long, it's been on the books since 1965. It's been in the books five governors ago.

"So Mr. President, it is important. It is important not to me, but to the students, the people in the area of West Oahu, North Shore, Central Oahu, and the Leeward Coast. So Mr. President, I will be voting 'no' on both of the nominees that are up tonight.

"Thank you."

Senator Trimble rose to speak in favor of the nomination as follows:

"Mr. President, I rise in favor of the nominee.

"As long as we're talking about not the regents but the University of Hawaii, and I am kind of curious why that keeps coming up, why is it that this body doesn't hold those who make decisions accountable? If we looked at the amount of money that HCDA squandered or the University of Hawaii squandered to get the medical school going in Kakaako, we could have paid for many of the social programs that we've spent so much time looking to find money for.

"The Legislature committed, was it tobacco money for the medical school, and this Legislature was promised by no less a person than the president of the University of Hawaii that he would match that money, that he would raise \$150 million. And I was impressed when I read that in the newspaper. And I somewhere had the sense that construction of the medical school was not going to start until that \$150 million was on the books. But somehow that didn't happen and once we started down that course, we're not going to see West Oahu College for

quite a few years to come, and it's not the current Governor's fault.

"You know, my brother once gave me some advice many years ago. He said, before you take a job, always have a good exit strategy. And when the president of the University of Hawaii came out, was it what, ten days before the election and endorsed the candidate, the thought that immediately went through my mind was that he was exercising that exit strategy.

"But what we are here to talk about tonight isn't what has happened in the past. It isn't that members of this body did not oppose nominations for the Board of Regents in the past. Before I entered politics, I spent 27, 28, 29 years working for the State of Hawaii in various capacities. I didn't think about politics. I just tried to be the best civil servant that I could. And part of the criticism that was levied tonight about the number of candidates that have a particular party affiliation, well, in one case it's my fault because when I decided to enter politics, and it happened to be in a different party than the Majority here, I went around and started recruiting people, and one of the people that was nominated tonight, I got to fill out a party card about a year ago. That doesn't seem to me to indicate that he was a political insider or had been in the party for a long period of time. And I don't understand why politics keeps coming up.

"I've met regents before. I've met college presidents before. When I look at Shelton Jim On, I look at an individual that would be a credit to the University of Hawaii. And for that reason, I will be voting 'yes' for his nomination as regent.

"Thank you."

Senator Hogue rose and said:

"May we get a Roll Call vote, please."

At 10:13 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:17 o'clock p.m.

Senator English rose and said:

"Mr. President, I'd like to insert comments into the record, please, in opposition."

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

"Mr. President, I am inserting into this Journal a copy of an e-mail sent-out by the chairman of the Republican Party of Hawaii, Brennon Morioka, to his party members regarding the confirmation of Mr. Jim On to the Board of Regents of the University of Hawaii. I want this on the record to highlight the misinformation and pure untruth that was circulated on this nomination by his own political party.

"Mr. Morioka had no way to know my intentions on this vote. I did not decide on how to vote on this nomination, and, until I received this e-mail, was prepared to vote in favor of Mr. Jim On's nomination.

"However, after seeing this email, I changed my vote from 'yes' to 'no' because I was outraged at the utter lack of integrity perpetuated in this e-mail. With the fabrication of fact and the twisting of reality, Mr. Jim On's own party set him up to fail. They created their own self-fulfilling prophecy.

"I therefore oppose this nomination, and vote 'no' on his confirmation.

Senator English's e-mail is identified as ATTACHMENT "I" to the Journal of this day.

At 10:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:18 o'clock p.m.

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

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

Ayes, 11. Noes, 14 (Aduja, Baker, Bunda, English, Espero, Hanabusa, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Tsutsui).

Stand. Com. Rep. No. 1652 (Gov. Msg. No. 278):

By unanimous consent, Stand. Com. Rep. No. 1652 was received and placed on file.

Pursuant to Senate Rule 37(5), Senator Hemmings moved that the Senate advise and consent to the nomination of EDWARD D. SULTAN to the Board of Regents of the University of Hawai'i, term to expire June 30, 2007, seconded by Senator Hogue.

Senator Hogue rose to speak in support of the nominee and said:

"Mr. President, I rise in support of this nominee.

"Mr. President, I'm deeply saddened by what occurred here just moments ago and that an eminently qualified nominee was turned down, and I'd hate to see the same thing happen here in the next few minutes. I'm very, very deeply saddened. We're talking about people here and I'm sorry, but you're just not thinking like good people.

"I respect what the Senator from Hawaii did. I think it's marvelous what he did, but what some of the others of you have done here is just . . . it's . . . I'm sorry, it sucks. It really does. And I don't know how you can look at yourself in the mirror."

The President interjected:

"Senator Hogue, I think you're out of order."

Senator Hogue responded:

"I apologize, Mr. President. I'm just telling you personally how I feel."

President Bunda stated:

"Please, Senator Hogue, keep to the subject."

Senator Hogue continued:

"Nothing I probably say here will change any minds at all, but I do want to say that the next nominee is eminently qualified. What he has done . . . and I stand here and look you right in the eye and I say, you are a good man. Colleagues, that is a very good man right there.

"Do you know what he has done with a business in the last ten years? He has doubled that business. Isn't that the kind of person that we want to have on the Board of Regents of the University of Hawaii? I think that's exactly the kind of person that we want to have on the Board of Regents of the University of Hawaii because the University of Hawaii is a \$700 million business. Don't we want someone like this nominee there to help us with those business decisions?"

"Look at this individual. He's a person, a very highly qualified person, a professional, a good, good man, and he deserves your support. I'm proud to stand here and say I support this man. I bow to you sir. I really, really respect you. I hope I can respect my colleagues after their vote.

"Thank you very much, Mr. President."

Senator Hemmings rose to speak in favor of the nomination and stated:

"Mr. President, I rise to speak in favor of this governor's message and the nomination of Edward D. Sultan.

"It's been a long debate, and in talking to this nomination I do wish to reflect on some of the comments made on the prior nominee, because I think they are relevant here.

"I stand here in disbelief that some people could stand up tonight and claim politics had nothing to do with this issue when it says just that in your Majority Party committee report. It's insulting that you would claim politics have nothing to do with this.

"People have stood up tonight and said that they're making their decision based on qualifications. We have not heard – other than, I will reiterate, a scurrilous personal attack on one individual – any logical reason why Mr. Jim On or Mr. Sultan are not qualified. In fact, I would submit, if we were being honest, we could probably say that these two individuals are the most qualified of the nominees tonight. In the case of Mr. Sultan, it could be said if success is the measure of any human's capabilities, then certainly he would qualify as one of the most worthy of the nominees.

"Things were said about the Governor making partisan nominations. How sad and how contradictory and how hypocritical those statements have been. This is the Governor who just appointed two prominent Democrats – one Democrat who's eminently qualified that was Senator Dan Inouye's hand-picked nominee for the Ninth Circuit Federal Court of Appeals. To imply or say, as has been said on this Floor tonight, that this Governor has made these nominations based on politics is indeed insulting.

"Someone on this Floor, I think without much thought, brought up the Bronster vote. And I would submit to you that the last time this Senate stooped into the gutter to make a political decision on a nomination was the Bronster vote. And the results speak for themselves.

"This has been a sad episode. It was a night that we could have risen to heights of greatness, and we have fallen. I hope that when this evening is finished, we can put this sad episode behind us. But I will promise you, I, for one, will not forget it.

"I support Mr. Sultan because he's qualified. Thank you, Mr. President."

Senator Baker rose in support of the nominee as follows:

“Mr. President, I rise to speak in support of this nomination although I take great exception to some of the statements made by the two previous speakers.

“I support this nomination because I had an opportunity to meet with Mr. Sultan and believe that he has the requisite skill sets that will serve him well as a regent of the University of Hawaii. I was impressed with his business acumen and his commitment to the fact that he continues to keep a manufacturing business here in this state and doesn't take it offshore.

“I was impressed with his candor and with his interest in the university, and it is based on those qualifications that I'm supporting this nominee.”

Senator Hooser rose to speak in opposition to the nominee and said:

“Mr. President, I rise in opposition. I'll keep my comments brief. The comments I made earlier, in general, address both nominations.

“I do want to repeat one statement, though, that I think is important for all of us to remember and I believe in wholeheartedly – that is the statement that good people of good character can look at the same issues, the same events, the same people, and come to contrary conclusions. And I think that's okay. That's what makes the world go round. It doesn't mean, either parties' character, that they're lying or whatever, they come to different conclusions. And so I just want to preface my remarks with that.

“I also want to add, and repeat what I said earlier, that in the committee reports they refer to political questions. I believe I am the member who talked most about that subject, but I'd also like to repeat what another Senator had said, that the Minority Party also asked those questions, a member of the Minority on the Committee. Everyone shared concerns. It's a valid question to ask – does your political background affiliation's concerns affect your decision-making? Okay, that's a valid question. It's a valid point and it's valid to be in the committee report.

“I believe I also talked about some of the Governor's nominations, and I don't believe I said, in fact I'm sure I didn't say that the Governor made these nominations based on politics. I said the perception, which to me, personally, the perception was important, and the perception sends a message to the community and the perception is something that is real and a valid point. And I just want to reemphasize that my comments were based on the public's perception, which I think is important.

“Most of my comments stand as made earlier, and I just want to emphasize again that my vote does not question this man's goodness, nor his character, nor his abilities as a businessman. I wish him and his family and all the nominees well in the future.

“Thank you.”

Senator Slom rose in support of the nomination and stated:

“Mr. President, I rise in strong support of the nominee.

“Many of my comments that I made previously for Mr. Jim On I think are applicable here, but I'm having a very difficult time, Mr. President. We hear talk that it's not political, that it's not personal, and yet this candidate, nothing again has come forward as to why he would not be qualified. Everybody salutes his success. They recognize how he has built a business,

how he has worked with people, how he has contributed to this community, including the University of Hawaii.

“I think far too many people forget or are led to believe that it is the university that gets its support from the Legislature. Just like the public schools, it is not the Legislature that gives its support to education, it is the taxpayers of this State, including men and women business owners. They give their support in terms of taxes and earnings. They give their support in terms of jobs that they have created like Mr. Sultan. They give their support in terms of volunteering and the many things that they do where they neither seek nor are given credit publicly for what they do. And yet those people that know them, particularly in the business community, have a high regard and respect for what they do. They serve as a role model. They serve as the very best in our community because they don't just talk about things and they don't give away other people's money and vote other people's rights. They have to take the jerk themselves. They have to take the risk. They have to reach into their own pockets and do that.

“Such an individual is Edward Sultan. He's made many major contributions to this community over several decades, and many people know of that, but he's not the kind of person that would ask people to come forward and support him. And one would think that if this were not a frontal attack on the Governor, then one would look entirely on the individual and on his or her achievements or questions or failings. But we hear over and over again in coded language it really is the Governor's appointment, and so we'll disregard the individual, and disregard his contributions, and disregard his integrity and his character and his experience and his ability and his contributions, which people say are not in question. Of course they're not in question, they have not been questioned. No one questioned them. No one testified in opposition – not even a scurrilous e-mail this time. Yet, this body is prepared to vote this gentleman down as well.

“One has to wonder, if one talks about agendas, what the agenda really is. Is it the well being of the University of Hawaii? Because if it is, again I submit that what we really need are truly independent people independent of the inbred political structure, people who know how to make an honest dollar, who know how to create jobs, who know how to deal with all kinds of people, who know how to look at profit and loss sheets, who know how to deal with the problems that two regents found so overwhelming and disturbing that they resigned their positions and publicly said that the reasons were the financial disarray of the university.

“And now we have another candidate eminently qualified with experience who is willing to sacrifice and share his knowledge and his time and his energy with not only the University of Hawaii, but also the State and all of its people. And if we turn our backs on him, what are we really saying about change and improving the business climate and trying to welcome people and encourage those people that stand on their own, reach in their own pockets?

“A statement was made earlier by my colleague from Kalihī that my goodness, six out of the twelve regents are being proposed, and that can have profound changes. I would suggest that it's long overdue that we have profound changes. That's what the November election was all about – profound changes. We don't want business as usual; we don't want politics as usual. And if you turn down this individual, you want to talk about perceptions, then you will continue the perception that in Hawaii it is who you know rather than what you know that gets you success.

“Thank you, Mr. President.”



Senator Sakamoto rose to speak against the nominee and said:

“Mr. President, I rise in opposition to this candidate.

“Perhaps the Senator from Hawaii Kai would make an excellent regent. I think he’s perceptive in many of the things he’s saying about the university. He talked about the financial disarray. This candidate, who on his questionnaire, in response to the question. Have you reviewed the state audit report no. 03-04, Review of Selected University of Hawaii Non-General Funds and Accounts, and what are your comments if you have any? A very important question, as the Senator clearly points out. Answer: ‘I have not reviewed the report, but I plan to do so. It is my understanding that this report has identified deficiencies of certain management practices at the university. I expect that the administration is addressing these issues.’ Point, counterpoint, sir, this type of answer does not rise to the person we need; who’s going to deal with important issues such as raised by the Senator from Hawaii Kai?

“There are other answers that were insufficient. Perhaps it is because he’s such a successful businessman, maybe that’s what took his attention. Nobody’s maligning him in his businesses or his other activities, but the issue at hand was the importance of this position. The questionnaire was given out, and we expected good responses. Perhaps preparation, perhaps, perhaps, perhaps.

“How can the university attract and retain the best and brightest graduates for Hawaii, or should this even be part of the vision? ‘The university can attract the best and brightest graduates by hiring distinguished faculty who will develop strong academic programs.’ Not an incorrect statement, but that’s as far as it went. I would, in my estimation, hope that regents, perhaps, again yourself might be a good one, would say a lot more and would be able to indeed, quote, ‘job interview,’ indeed make the best impression, indeed, indeed, do better than this candidate.

“The point being you don’t have a second chance to make a good first impression. And unfortunately, the impression wasn’t to the standard of my expectation for the Board of Regents.”

Senator Slom rose in rebuttal and said:

“Mr. President, just a brief rebuttal and a thank you to the Education Chairman for his nomination of me for the regents position. (Laughter.) I will expect his full support committee vote.

“You know, we’re often asked down here why business people don’t come down here and challenge tax increases or mandate increases or changes in labor laws that affect them. I’ve had many of my colleagues say, well, if it’s so important to you business people, why don’t they show up? Why don’t they come down here? Why don’t they read this report? Why don’t they know how important we are? The answer is, because they’re running their business day to day with all of the barriers that we have put in front of them. That is their first responsibility, because if they don’t keep that business operating and operating profitably, then an awful lot of people don’t have employment, income, and discretionary choices.

“I, for one, would rather have someone that does that and puts that priority first and be honest enough to say no, I haven’t read that report but I will read that report. Let’s not embarrass ourselves and ask our members how many in this body have actually read that full report and understand it. Let’s not

embarrass members in this body to ask how many read every single bill, resolution, and certificate that they affix their name to. Certainly it is conceivable that people would expect different answers or would think that someone would answer questions differently. That’s not the issue. The issue is, is this man qualified? Or conversely, are there things in his background or experience that are lacking that shows that he does not have independence of judgment, that he could not do a good job, that he doesn’t have the university at heart.

“Again, I go back to the point that if he wasn’t concerned about the university and he didn’t think that he could do a good job, and if he didn’t think that he could make the time, and if he didn’t think he would find a way of reading the reports and doing the things that we want him to do, then he wouldn’t have even submitted to this process. Thank God that he did, but shame on us if we turn him down.

“Thank you.”

Senator English rose to speak in opposition and said:

“Mr. President, I rise in opposition.

“I’d like to insert comments into the Journal.”

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

“Mr. President, as I did with the nomination of Shelton Jim On, I am inserting into this Journal a copy of an e-mail sent-out by the chairman of the Republican Party of Hawaii, Brennon Morioka, to his party supporters on this nomination.

“I had intended to vote ‘yes’ on this nomination, however, two events changed my position. The first is the fact that Mr. Sultan never bothered to meet with me. Since he did not avail himself of the opportunity to present himself to me, I felt that he would not be receptive to the people of Hawaii – the people he would be working for – and would therefore not represent their interest at the University of Hawaii. The second event occurred when I received a copy of this e-mail. Its blatant untruth and distortion of reality was simply offensive to decency.

“The fact of the matter is that we have provided our advice and consent to almost all of this Governor’s nominees – more than we did for the previous Governor. There is no way anyone could have known my intentions on this matter because I never told anyone. Thus, I am voting ‘no’ on the nomination of Mr. Sultan.”

Senator English’s e-mail is identified as ATTACHMENT “I” to the Journal of this day.

Senator Hogue rose and said:

“Roll Call vote, Mr. President.”

At 10:43 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:49 o’clock p.m.

Senator Aduja rose in support and said:

“Mr. President, I rise in support of Gov. Msg. No. 278, Edward D. Sultan.

“Mr. President, I would like to offer my endorsement and confirmation of Mr. Sultan.

“Thank you.”

At 10:51 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 10:51 o'clock p.m.

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

Ayes, 11. Noes, 14 (Bunda, English, Espero, Fukunaga, Hanabusa, Hooser, Inouye, Kanno, Kawamoto, Kim, Kokubun, Sakamoto, Taniguchi, Tsutsui).

#### ADOPTION OF RESOLUTIONS

##### MATTERS DEFERRED FROM THURSDAY, APRIL 24, 2003

Stand. Com. Rep. No. 1623 (H.C.R. No. 90):

By unanimous consent, action on Stand. Com. Rep. No. 1623 and H.C.R. No. 90, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. SMALL BUSINESS ADMINISTRATION TO RE-EXAMINE THE CRITERIA FOR DESIGNATING HUBZONES UNDER THE HUBZONE EMPOWERMENT CONTRACTING PROGRAM AS IT APPLIES TO THE STATE OF HAWAII,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1624 (H.C.R. No. 78):

By unanimous consent, action on Stand. Com. Rep. No. 1624 and H.C.R. No. 78, entitled: “HOUSE CONCURRENT RESOLUTION STRONGLY SUPPORTING THE CONVENING OF THE 2003 ANNUAL MEETING OF THE UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL'S PERMANENT FORUM ON INDIGENOUS ISSUES TO BE HELD IN HAWAII,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1640 (H.C.R. No. 43):

By unanimous consent, action on Stand. Com. Rep. No. 1640 and H.C.R. No. 43, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE EXPLORATION OF OPTIONS FOR REDESIGNING THE BENEFIT LEVELS OF ‘A’ STATUS PLANS DEFINED UNDER HAWAII'S PREPAID HEALTH CARE ACT,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1641 (H.C.R. No. 92):

By unanimous consent, action on Stand. Com. Rep. No. 1641 and H.C.R. No. 92, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS, IN CONJUNCTION WITH HAWAII'S HEALTH PLANS, TO EXPLORE OPTIONS FOR PROVIDING MEDICAL SAVINGS ACCOUNTS AND HIGH DEDUCTIBLE HEALTH PLANS TO HAWAII'S BUSINESSES UNDER HAWAII'S PREPAID HEALTH CARE ACT,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1642 (H.C.R. No. 94, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1642 and H.C.R. No. 94, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT TO SUBMIT

REPORTS ON EXEMPT EMPLOYEES AS REQUIRED BY ACT 253, SESSION LAWS OF HAWAII 2000,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1643 (H.C.R. No. 97, H.D. 1):

By unanimous consent, action on Stand. Com. Rep. No. 1643 and H.C.R. No. 97, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO CONDUCT A STUDY ON THE FEASIBILITY OF A HYBRID RETIREMENT PLAN,” was deferred until Tuesday, April 29, 2003.

Stand. Com. Rep. No. 1644 (H.C.R. No. 109):

By unanimous consent, action on Stand. Com. Rep. No. 1644 and H.C.R. No. 109, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE EMPLOYEES' RETIREMENT SYSTEM TO REVIEW ITS INVESTMENT PRACTICES, DETERMINE WHETHER ANY INVESTMENTS ARE BEING MADE WITH COMPANIES BASED IN COUNTRIES THAT SUPPORT TERRORISM, AND RETHINK ITS INVESTMENT POLICIES REGARDING THESE COMPANIES,” was deferred until Tuesday, April 29, 2003.

At 10:52 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

#### CONFERENCE COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 320, H.D. 2, presented a report (Conf. Com. Rep. No. 27) recommending that H.B. No. 320, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27 and H.B. No. 320, H.D. 2, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO RISK MANAGEMENT,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 968, H.D. 1, presented a report (Conf. Com. Rep. No. 28) recommending that H.B. No. 968, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28 and H.B. No. 968, H.D. 1, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS,” was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1303, presented a report (Conf. Com. Rep. No. 29) recommending that H.B. No. 1303, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29 and H.B. No. 1303, S.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 282, H.D. 2, presented a report (Conf.

Com. Rep. No. 30) recommending that H.B. No. 282, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30 and H.B. No. 282, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 297, H.D. 2, presented a report (Conf. Com. Rep. No. 31) recommending that H.B. No. 297, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31 and H.B. No. 297, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1003, H.D. 1, presented a report (Conf. Com. Rep. No. 32) recommending that H.B. No. 1003, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32 and H.B. No. 1003, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME VICTIM COMPENSATION," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1111, H.D. 2, presented a report (Conf. Com. Rep. No. 33) recommending that H.B. No. 1111, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33 and H.B. No. 1111, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1255, presented a report (Conf. Com. Rep. No. 34) recommending that H.B. No. 1255, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34 and H.B. No. 1255, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OFFICE OF ELECTIONS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1361, H.D. 2, presented a report (Conf. Com. Rep. No. 35) recommending that H.B. No. 1361, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35 and H.B. No. 1361, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MEDICAID PRESCRIPTION DRUG EXPANSION PROGRAM," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 293, H.D. 1, presented a report (Conf. Com. Rep. No. 36) recommending that H.B. No. 293, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36 and H.B. No. 293, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE FARMERS' MARKET," was deferred for a period of 48 hours.

Senator Fukunaga, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1579, H.D. 1, presented a report (Conf. Com. Rep. No. 37) recommending that H.B. No. 1579, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37 and H.B. No. 1579, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ECONOMIC DIVERSIFICATION AUTHORITY," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 317, H.D. 2, presented a report (Conf. Com. Rep. No. 38) recommending that H.B. No. 317, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38 and H.B. No. 317, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1509, H.D. 2, presented a report (Conf. Com. Rep. No. 39) recommending that H.B. No. 1509, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39 and H.B. No. 1509, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1613, H.D. 2, presented a report (Conf. Com. Rep. No. 40) recommending that H.B. No. 1613, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40 and H.B. No. 1613, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NORTH KOHALA," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 507, H.D. 3, presented a report (Conf. Com. Rep. No. 41) recommending that H.B. No. 507, H.D. 3, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41 and H.B. No. 507, H.D. 3, S.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO EMERGENCY MEDICAL TECHNICIANS," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 914, H.D. 2, presented a report (Conf. Com. Rep. No. 42) recommending that H.B. No. 914, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42 and H.B. No. 914, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 32, H.D. 2, presented a report (Conf. Com. Rep. No. 43) recommending that H.B. No. 32, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43 and H.B. No. 32, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 130, H.D. 1, presented a report (Conf. Com. Rep. No. 44) recommending that H.B. No. 130, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44 and H.B. No. 130, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 290, H.D. 2, presented a report (Conf. Com. Rep. No. 45) recommending that H.B. No. 290, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45 and H.B. No. 290, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 531, presented a report (Conf. Com. Rep. No. 46) recommending that H.B. No. 531, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46 and H.B. No. 531, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1362, presented a report (Conf. Com. Rep. No. 47) recommending that H.B. No. 1362, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47 and

H.B. No. 1362, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1465, H.D. 2, presented a report (Conf. Com. Rep. No. 48) recommending that H.B. No. 1465, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48 and H.B. No. 1465, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1164, H.D. 1, presented a report (Conf. Com. Rep. No. 49) recommending that H.B. No. 1164, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49 and H.B. No. 1164, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1652, presented a report (Conf. Com. Rep. No. 50) recommending that H.B. No. 1652, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50 and H.B. No. 1652, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE MEDICAID PRESCRIPTION DRUG REBATE SPECIAL FUND," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1040, S.D. 1, presented a report (Conf. Com. Rep. No. 81) recommending that S.B. No. 1040, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81 and S.B. No. 1040, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1505, S.D. 1, presented a report (Conf. Com. Rep. No. 82) recommending that S.B. No. 1505, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82 and S.B. No. 1505, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 582, presented a report (Conf. Com. Rep.

No. 83) recommending that S.B. No. 582, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83 and S.B. No. 582, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 459, S.D. 1, presented a report (Conf. Com. Rep. No. 84) recommending that S.B. No. 459, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84 and S.B. No. 459, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1134, S.D. 1, presented a report (Conf. Com. Rep. No. 85) recommending that S.B. No. 1134, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85 and S.B. No. 1134, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT COSTS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1135, S.D. 1, presented a report (Conf. Com. Rep. No. 86) recommending that S.B. No. 1135, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86 and S.B. No. 1135, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1333, S.D. 1, presented a report (Conf. Com. Rep. No. 87) recommending that S.B. No. 1333, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87 and S.B. No. 1333, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE JUDICIAL BRANCH OF STATE GOVERNMENT," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1462, presented a report (Conf. Com. Rep. No. 88) recommending that S.B. No. 1462, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88 and S.B. No. 1462, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 44, S.D. 2, presented a report (Conf. Com. Rep. No. 89) recommending that S.B. No. 44, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89 and S.B. No. 44, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 464, S.D. 2, presented a report (Conf. Com. Rep. No. 90) recommending that S.B. No. 464, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90 and S.B. No. 464, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IMPLEMENTATION OF A FIXED RAIL TRANSIT SYSTEM," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 528, S.D. 2, presented a report (Conf. Com. Rep. No. 91) recommending that S.B. No. 528, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91 and S.B. No. 528, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF COUNTY LANDS AND IMPROVEMENTS," was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1262, S.D. 1, presented a report (Conf. Com. Rep. No. 92) recommending that S.B. No. 1262, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92 and S.B. No. 1262, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 254, S.D. 2, presented a report (Conf. Com. Rep. No. 93) recommending that S.B. No. 254, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93 and S.B. No. 254, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 534, S.D. 2, presented a report (Conf. Com. Rep. No. 94) recommending that S.B. No. 534, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94 and S.B. No. 534, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO AGRICULTURE,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1258, S.D. 1, presented a report (Conf. Com. Rep. No. 95) recommending that S.B. No. 1258, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95 and S.B. No. 1258, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1403, presented a report (Conf. Com. Rep. No. 96) recommending that S.B. No. 1403, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96 and S.B. No. 1403, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION’S MARITIME-RELATED USES,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1496, presented a report (Conf. Com. Rep. No. 97) recommending that S.B. No. 1496, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97 and S.B. No. 1496, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO AGRICULTURE,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1440, presented a report (Conf. Com. Rep. No. 98) recommending that S.B. No. 1440, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98 and S.B. No. 1440, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING COST ITEMS,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1441, presented a report (Conf. Com. Rep. No. 99) recommending that S.B. No. 1441, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99 and S.B. No. 1441, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS,” was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1332, S.D. 2, presented a report (Conf. Com. Rep. No. 100) recommending that S.B. No. 1332, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100 and S.B. No. 1332, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE COMPENSATION OF OFFICIALS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT,” was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 540, S.D. 1, presented a report (Conf. Com. Rep. No. 101) recommending that S.B. No. 540, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101 and S.B. No. 540, S.D. 1, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND DEVELOPMENT,” was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 317, S.D. 2, presented a report (Conf. Com. Rep. No. 102) recommending that S.B. No. 317, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102 and S.B. No. 317, S.D. 2, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE FIFTIETH ANNIVERSARY COMMEMORATION OF THE KOREAN WAR COMMISSION,” was deferred for a period of 48 hours.

Senator Kawamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1050, S.D. 2, presented a report (Conf. Com. Rep. No. 103) recommending that S.B. No. 1050, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103 and S.B. No. 1050, S.D. 2, H.D. 2, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO VETERANS RIGHTS AND BENEFITS,” was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 614, S.D. 1, presented a report (Conf. Com. Rep. No. 104) recommending that S.B. No. 614, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104 and S.B. No. 614, S.D. 1, H.D. 1, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH INSURANCE,” was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 855, S.D. 1, presented a report (Conf. Com. Rep. No. 105) recommending that S.B. No. 855, S.D. 1, H.D. 3, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105 and S.B. No. 855, S.D. 1, H.D. 3, C.D. 1, entitled: “A BILL FOR AN ACT RELATING TO ENERGY,” was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1286, S.D. 1, presented a report (Conf. Com. Rep. No. 106) recommending that S.B. No. 1286, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106 and S.B. No. 1286, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Senator Chun Oakland, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1647, S.D. 2, presented a report (Conf. Com. Rep. No. 107) recommending that S.B. No. 1647, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107 and S.B. No. 1647, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICES FOR INDIVIDUALS WHO ARE BLIND OR VISUALLY IMPAIRED," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 585, S.D. 1, presented a report (Conf. Com. Rep. No. 108) recommending that S.B. No. 585, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108 and S.B. No. 585, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 745, S.D. 2, presented a report (Conf. Com. Rep. No. 109) recommending that S.B. No. 745, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109 and S.B. No. 745, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 748, S.D. 2, presented a report (Conf. Com. Rep. No. 110) recommending that S.B. No. 748, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110 and S.B. No. 748, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING EDUCATION," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1088, S.D. 2, presented a report (Conf. Com. Rep. No. 111) recommending that S.B. No. 1088, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111 and S.B. No. 1088, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO LONG-TERM CARE," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1279, S.D. 2, presented a report (Conf. Com. Rep. No. 112) recommending that S.B. No. 1279, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112 and S.B. No. 1279, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1321, presented a report (Conf. Com. Rep. No. 113) recommending that S.B. No. 1321, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113 and S.B. No. 1321, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1446, S.D. 2, presented a report (Conf. Com. Rep. No. 114) recommending that S.B. No. 1446, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114 and S.B. No. 1446, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," was deferred for a period of 48 hours.

Senator Inouye, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1034, S.D. 1, presented a report (Conf. Com. Rep. No. 115) recommending that S.B. No. 1034, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115 and S.B. No. 1034, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 574, S.D. 1, presented a report (Conf. Com. Rep. No. 116) recommending that S.B. No. 574, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116 and S.B. No. 574, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1661, S.D. 2, presented a report (Conf. Com. Rep. No. 117) recommending that S.B. No. 1661, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117 and

S.B. No. 1661, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 377, S.D. 1, presented a report (Conf. Com. Rep. No. 118) recommending that S.B. No. 377, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118 and S.B. No. 377, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1305, S.D. 1, presented a report (Conf. Com. Rep. No. 119) recommending that S.B. No. 1305, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119 and S.B. No. 1305, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 576, presented a report (Conf. Com. Rep. No. 120) recommending that S.B. No. 576, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120 and S.B. No. 576, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 58, S.D. 1, presented a report (Conf. Com. Rep. No. 121) recommending that S.B. No. 58, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121 and S.B. No. 58, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 402, S.D. 2, presented a report (Conf. Com. Rep. No. 122) recommending that S.B. No. 402, S.D. 2, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122 and S.B. No. 402, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1237, S.D. 1, presented a report (Conf. Com. Rep. No. 123) recommending that S.B. No. 1237, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 123 and S.B. No. 1237, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1700, S.D. 1, presented a report (Conf. Com. Rep. No. 124) recommending that S.B. No. 1700, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 124 and S.B. No. 1700, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 17, S.D. 1, presented a report (Conf. Com. Rep. No. 125) recommending that S.B. No. 17, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 125 and S.B. No. 17, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 209, S.D. 3, presented a report (Conf. Com. Rep. No. 126) recommending that S.B. No. 209, S.D. 3, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 126 and S.B. No. 209, S.D. 3, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 789, S.D. 1, presented a report (Conf. Com. Rep. No. 127) recommending that S.B. No. 789, S.D. 1, H.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 127 and S.B. No. 789, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEE HEALTH BENEFITS," was deferred for a period of 48 hours.

Senator Hanabusa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1393, S.D. 2, presented a report (Conf. Com. Rep. No. 128) recommending that S.B. No. 1393, S.D. 2, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 128 and S.B. No. 1393, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE DEPARTMENTS OF STATE GOVERNMENT," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1438, presented a report (Conf. Com.



Rep. No. 129) recommending that S.B. No. 1438, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 129 and S.B. No. 1438, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1439, presented a report (Conf. Com. Rep. No. 130) recommending that S.B. No. 1439, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 130 and S.B. No. 1439, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," was deferred for a period of 48 hours.

Senator Kanno, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1442, presented a report (Conf. Com. Rep. No. 131) recommending that S.B. No. 1442, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 131 and S.B. No. 1442, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," was deferred for a period of 48 hours.

Senator English, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1456, H.D. 1, presented a report (Conf. Com. Rep. No. 132) recommending that H.B. No. 1456, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 132 and H.B. No. 1456, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred for a period of 48 hours.

Senator Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 512, H.D. 1, presented a report (Conf. Com. Rep. No. 133) recommending that H.B. No. 512, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 133 and H.B. No. 512, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1412, H.D. 2, presented a report (Conf. Com. Rep. No. 134) recommending that H.B. No. 1412, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 134 and H.B. No. 1412, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR

AN ACT RELATING TO PROFESSIONAL COUNSELORS," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 281, H.D. 1, presented a report (Conf. Com. Rep. No. 135) recommending that H.B. No. 281, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 135 and H.B. No. 281, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE EDUCATIONAL FACILITIES REPAIR AND MAINTENANCE," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 638, H.D. 1, presented a report (Conf. Com. Rep. No. 136) recommending that H.B. No. 638, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 136 and H.B. No. 638, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PUBLIC LIBRARY SYSTEM," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 289, H.D. 2, presented a report (Conf. Com. Rep. No. 137) recommending that H.B. No. 289, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 137 and H.B. No. 289, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Senator Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1175, H.D. 2, presented a report (Conf. Com. Rep. No. 138) recommending that H.B. No. 1175, H.D. 2, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 138 and H.B. No. 1175, H.D. 2, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," was deferred for a period of 48 hours.

Senator Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 640, H.D. 1, presented a report (Conf. Com. Rep. No. 139) recommending that H.B. No. 640, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 139 and H.B. No. 640, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LOSS MITIGATION GRANT PROGRAM," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1152, H.D. 1, presented a report (Conf. Com. Rep. No. 140) recommending that H.B. No. 1152, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 140 and H.B. No. 1152, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," was deferred for a period of 48 hours.

Senator Kim, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1400, H.D. 1, presented a report (Conf. Com. Rep. No. 141) recommending that H.B. No. 1400, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 141 and H.B. No. 1400, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL CONSTRUCTION AND REMODELING TAX CREDIT," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 200, H.D. 1, presented a report (Conf. Com. Rep. No. 142) recommending that H.B. No. 200, H.D. 1, S.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 142 and H.B. No. 200, H.D. 1, S.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 808, H.D. 1, presented a report (Conf. Com. Rep. No. 143) recommending that H.B. No. 808, H.D. 1, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 143 and H.B. No. 808, H.D. 1, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1300, H.D. 2, presented a report (Conf. Com. Rep. No. 144) recommending that H.B. No. 1300, H.D. 2, S.D. 2, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 144 and H.B. No. 1300, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," was deferred for a period of 48 hours.

#### ADJOURNMENT

At 12:00 o'clock midnight, the Senate adjourned until 10:00 o'clock a.m., Tuesday, April 29, 2003.

ATTACHMENT "P"

[REDACTED]

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**From:** headquarters@gophawaii.com  
**Sent:** Thursday, April 24, 2003 4:54 PM  
**To:** [REDACTED]  
**Subject:** Urgent Request from Brennon Morioka

To all our Members and Supporters, I would like to ask you respond to an urgent plea from our Governor. Mr. Shelton Jim On and Mr. Ed Sultan are the Governor's nominees for the University of Hawaii Board of Regents and they are facing an uphill battle in the Democrat controlled Senate. These two men are solid community leaders and supporters of our Governor's agenda for our future. They were nominated to serve on the Board of Regents because of their qualifications and because they would serve our State and our University well. the people of Hawaii can only benefit from the service these two would provide. The Democrats are ready to vote them down in a purely partisan effort. They do not want to see the Governor succeed and are willing to sacrifice good people to sabotage her efforts. I would like to ask all of you to call your Senator or any of the ones below and voice your displeasure of their behavior and ask that they support the Governor and her nominees. They have no other reason to deny these people a position on the Board of Regents except for purely political motives.

Please call the following Senators who oppose the nominees:

Kalani English 586-7225  
 Gary Hooser 586-6030  
 Cal Kawamoto 586-6970  
 Donna Kim 587-7200  
 Norman Sakamoto 586-8585  
 Shan Tsutsui 586-7344

These Senators are currently undecided. Please help them find in favor of the Shelton and Ed.

Melody Aduja 586-7330  
 Rosalyn Baker 586-6070  
 Robert Bunda 586-6090  
 Willie Espero 586-6360  
 Carol Fuknaga 586-6890  
 Colleen Hanabusa 586-7793  
 David Ige 586-6230  
 Les Ihara 586-6250  
 Lorraine Inouye 586-7335  
 Brian Kanno 586-6830  
 Russell Kokubun 586-6760  
 Brian Taniguchi 586-6460

I urge you to call to help support our Governor.

Aloha  
 Brennon Morioka  
 Chairman

Paid for by the Hawaii Republican Party, 725 Kapiolani Blvd. #C-105,  
 Honolulu, HI 96813