

FORTIETH DAY

Thursday, March 31, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Chris Eng, Wai O Ke Ola Congregational Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Thirty-Ninth Day.

At 11:58 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 547, dated March 15, 2005, transmitting the Hawaii State Foundation on Culture and the Arts' Annual Report for Fiscal Year Ending June 30, 2004, was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 362 to 380) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 362, transmitting H.C.R. No. 86, H.D. 1, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 86, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITIOUSLY CONCLUDE ITS NEGOTIATIONS WITH HAWAII SUPERFERRY, INC.," was deferred until Friday, April 1, 2005.

Hse. Com. No. 363, transmitting H.C.R. No. 127, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO DETERMINE THE FEASIBILITY OF REGULATING AND LICENSING BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS," was deferred until Friday, April 1, 2005.

Hse. Com. No. 364, transmitting H.C.R. No. 214, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN HAWAII," was deferred until Friday, April 1, 2005.

Hse. Com. No. 365, transmitting H.C.R. No. 245, H.D. 1, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO AMEND THE NO CHILD LEFT BEHIND ACT OF 2001 ACCORDING TO THE RECOMMENDATIONS OF THE FINAL REPORT OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES' TASK FORCE ON NO CHILD LEFT BEHIND," was deferred until Friday, April 1, 2005.

Hse. Com. No. 366, transmitting H.C.R. No. 246, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO MAKE CERTAIN MODIFICATIONS AND ACKNOWLEDGMENTS WITH RESPECT TO THE NO CHILD LEFT BEHIND ACT OF 2001," was deferred until Friday, April 1, 2005.

Hse. Com. No. 367, transmitting H.C.R. No. 247, which was adopted by the House of Representatives on March 30, 2005, was placed on file.

By unanimous consent, action on H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INCLUDE PERFORMANCE BASED INCENTIVES WHEN CONTRACTING WITH EDUCATION SERVICE PROVIDERS FOR SCHOOL RESTRUCTURING UNDER THE NO CHILD LEFT BEHIND ACT," was deferred until Friday, April 1, 2005.

Hse. Com. No. 368, returning S.B. No. 607, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 607, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 369, returning S.B. No. 608, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 608, and requested a conference on the subject matter thereof.

Hse. Com. No. 370, returning S.B. No. 675, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 675, and requested a conference on the subject matter thereof.

Hse. Com. No. 371, returning S.B. No. 693, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by

the House to S.B. No. 693, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 372, returning S.B. No. 700, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 700, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 373, returning S.B. No. 1348, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1348, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 374, returning S.B. No. 1349, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1349, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 375, returning S.B. No. 1796, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1796, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 376, returning S.B. No. 1798, which passed Third Reading in the House of Representatives on March 30, 2005, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1798, and requested a conference on the subject matter thereof.

Hse. Com. No. 377, returning S.B. No. 615, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, was placed on file.

Hse. Com. No. 378, returning S.B. No. 681, which passed Third Reading in the House of Representatives on March 30, 2005, was placed on file.

Hse. Com. No. 379, returning S.B. No. 1230, which passed Third Reading in the House of Representatives on March 30, 2005, was placed on file.

Hse. Com. No. 380, returning S.B. No. 1680, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2005, was placed on file.

STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1316) recommending that H.B. No. 161, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 161, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1317) recommending that H.B. No. 214, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 214, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE RATE REGULATION," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1318) recommending that the Senate advise and consent to the nomination of WAYNE M. SHINTANI to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 145.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1318 and Gov. Msg. No. 145 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1319) recommending that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

ARMAND K. CHONG DDS, FAGD, in accordance with Gov. Msg. No. 148; and

RANDALL S. CISLO D.M.D., in accordance with Gov. Msg. No. 149.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1319 and Gov. Msg. Nos. 148 and 149 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1320) recommending that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

OSCAR PORTUGAL, in accordance with Gov. Msg. No. 166;

RICHARD M. SUZUKI P.E., in accordance with Gov. Msg. No. 167; and

MARC VENTURA AIA, in accordance with Gov. Msg. No. 168.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1320 and Gov. Msg. Nos. 166, 167 and 168 was deferred until Friday, April 1, 2005.

Senator Hee, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1321), recommending that S.C.R. No. 175 be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 175, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PROVIDE A REPORT TO THE STATE LEGISLATURE REGARDING THE STATUS OF THE 2004 FLOOD DAMAGE," was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1322) recommending that H.B. No. 553, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 553, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1323) recommending that H.B. No. 833, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 833, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Monday, April 4, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1324) recommending that H.B. No. 1712, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1712, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1325) recommending that H.B. No. 1715, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1715, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading and was placed on the calendar for Third Reading on Monday, April 4, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1326) recommending that the Senate advise and consent to the nomination of ROGER DANIEL RIZZO to the Civil Rights Commission, in accordance with Gov. Msg. No. 388.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1326 and Gov. Msg. No. 388 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1327) recommending that the Senate advise and consent to the nominations to the Contractors License Board of the following:

ANACLETO ALCANTRA SR., in accordance with Gov. Msg. No. 139;

DENNY R. SADOWSKI, in accordance with Gov. Msg. No. 140;

NICHOLAS W. TEVES JR., in accordance with Gov. Msg. No. 141; and

THOMAS B. VINCENT, in accordance with Gov. Msg. No. 142.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1327 and Gov. Msg. Nos. 139, 140, 141 and 142 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1328) recommending that the Senate advise and consent to the nominations to the Board of Medical Examiners of the following:

M. PIERRE K. W. PANG MD, in accordance with Gov. Msg. No. 204;

FEREYDOUN DON PARSA MD, in accordance with Gov. Msg. No. 205; and

G. MARKUS POLIVKA, in accordance with Gov. Msg. No. 206.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1328 and Gov. Msg. Nos. 204, 205 and 206 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1329) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Repair Industry Board of the following:

BILL W. GREEN, in accordance with Gov. Msg. No. 227; and

RICHARD Y. MITSUMORI, in accordance with Gov. Msg. No. 228.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1329 and Gov. Msg. Nos. 227 and 228 was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1330) recommending that the Senate advise and consent to the nomination of JANET M. WILLIAMS to the Board of Pharmacy, in accordance with Gov. Msg. No. 238.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1330 and Gov. Msg. No. 238 and was deferred until Friday, April 1, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1331) recommending that the Senate advise and consent to the nomination of CHRISTINA BAXENDALE to the Board of Physical Therapy, in accordance with Gov. Msg. No. 239.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1331 and Gov. Msg. No. 239 was deferred until Friday, April 1, 2005.

ORDER OF THE DAY

ADVISE AND CONSENT

MATTERS DEFERRED FROM THURSDAY, MARCH 24, 2005

Stand. Com. Rep. No. 1019 (Gov. Msg. No. 119):

Senator Hanabusa moved that Stand. Com. Rep. No. 1019 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of RONALD T. HAJIME as Compact Administrator, State Council for Interstate Adult Offender Supervision, term to expire June 30, 2009, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1020 (Gov. Msg. No. 143):

Senator Hanabusa moved that Stand. Com. Rep. No. 1020 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of DENISE J. JOHNSTON to the Correctional Industries Advisory Committee, term to expire June 30, 2006, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1021 (Gov. Msg. No. 251):

Senator Hanabusa moved that Stand. Com. Rep. No. 1021 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of ROBERT ARTHURS to the Board of Registration of the Island of Hawaii, term to expire June 30, 2008, seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1022 (Gov. Msg. Nos. 252 and 253):

Senator Hanabusa moved that Stand. Com. Rep. No. 1022 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Board of Registration of the Islands of Kauai and Niihau of the following:

PATRICK J. CHILDS, term to expire June 30, 2007 (Gov. Msg. No. 252); and

CAROLYN S. POMPILIO, term to expire June 30, 2008 (Gov. Msg. No. 253),

seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1023 (Gov. Msg. Nos. 254 and 255):

Senator Hanabusa moved that Stand. Com. Rep. No. 1023 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Board of Registration of the Islands of Maui, Molokai, Lanai, and Kahoolawe of the following:

THOMAS A. HUGHES III, term to expire June 30, 2008 (Gov. Msg. No. 254); and

STEVE PFISTER, term to expire June 30, 2008 (Gov. Msg. No. 255),

seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1027 (Gov. Msg. Nos. 247 and 248):

Senator Espero moved that Stand. Com. Rep. No. 1027 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

GREG KING, term to expire June 30, 2008 (Gov. Msg. No. 247); and

RICHARD G. TOTTEN, term to expire June 30, 2008 (Gov. Msg. No. 248),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1028 (Gov. Msg. Nos. 294, 296, 297, 298, 299, 300, 301 and 302):

Senator Hanabusa moved that Stand. Com. Rep. No. 1028 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Wireless Enhanced 911 Board of the following:

PAUL K. FERREIRA, term to expire June 30, 2008 (Gov. Msg. No. 294);

ROY K. IREI, term to expire June 30, 2006 (Gov. Msg. No. 296);

JOHN PETER JAEGER, term to expire December 31, 2005 (Gov. Msg. No. 297);

JOEL K. MATSUNAGA, term to expire June 30, 2008 (Gov. Msg. No. 298);

MILTON M. MATSUOKA, term to expire June 30, 2008 (Gov. Msg. No. 299);

RICHIE NAKASHIMA, term to expire June 30, 2007 (Gov. Msg. No. 300);

DEXTER TAKASHIMA, term to expire June 30, 2008 (Gov. Msg. No. 301); and

JEFF YAMANE, term to expire December 31, 2005 (Gov. Msg. No. 302),

seconded by Senator Hee.

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

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

Stand. Com. Rep. No. 1029 (Gov. Msg. Nos. 124 and 125):

Senator Menor moved that Stand. Com. Rep. No. 1029 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 State Board of Public Accountancy of the following:

HOWARD KONG KAM JR., term to expire June 30, 2008 (Gov. Msg. No. 124); and

RANDALL T. KAYA, term to expire June 30, 2008 (Gov. Msg. No. 125),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1030 (Gov. Msg. Nos. 126 and 127):

Senator Menor moved that Stand. Com. Rep. No. 1030 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 Acupuncture of the following:

KWANG CHAI, term to expire June 30, 2008 (Gov. Msg. No. 126); and

ANDREW L. PEPPER, term to expire June 30, 2008 (Gov. Msg. No. 127),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1031 (Gov. Msg. Nos. 134 and 135):

Senator Menor moved that Stand. Com. Rep. No. 1031 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 State Board of Barbering and Cosmetology of the following:

HEIDI M. K. FOWLER, term to expire June 30, 2008 (Gov. Msg. No. 134); and

CARLA M. MORIOKA, term to expire June 30, 2008 (Gov. Msg. No. 135),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1032 (Gov. Msg. No. 136):

Senator Menor moved that Stand. Com. Rep. No. 1032 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 GAY PORTER to the Cable Advisory Committee, 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, 24. Noes, none. Excused, 1 (Inouye).

Stand. Com. Rep. No. 1033 (Gov. Msg. No. 137):

Senator Menor moved that Stand. Com. Rep. No. 1033 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 NICHOLAS G. OPIE DC to the State Board of Chiropractic Examiners, term to expire June 30, 2008, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1034 (Gov. Msg. Nos. 152, 153, 154, 155, 156, 157, 158, 159 and 160):

Senator Baker moved that Stand. Com. Rep. No. 1034 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

BERNADETTE GRUZINSKY, term to expire June 30, 2007 (Gov. Msg. No. 152);

JOHN R. HOFF, term to expire June 30, 2008 (Gov. Msg. No. 153);

JULIE JOW, term to expire June 30, 2008 (Gov. Msg. No. 154);

HAROLD K. KOZUMA, term to expire June 30, 2008 (Gov. Msg. No. 155);

DONALD K. MATSUI, term to expire June 30, 2006 (Gov. Msg. No. 156);

SANDRA S. RONGITSCH, term to expire June 30, 2008 (Gov. Msg. No. 157);

RUTH S. STEPULIS, term to expire June 30, 2008 (Gov. Msg. No. 158);

DIANE M. STOWELL, term to expire June 30, 2008 (Gov. Msg. No. 159); and

KEN TAKEUCHI, term to expire June 30, 2008 (Gov. Msg. No. 160),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1035 (Gov. Msg. No. 203):

Senator Espero moved that Stand. Com. Rep. No. 1035 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of ROBERT L. SIMMONS MD to the Medical Advisory Board, term to expire June 30, 2008, seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1036 (Gov. Msg. Nos. 286, 287 and 288):

Senator Espero moved that Stand. Com. Rep. No. 1036 be received and placed on file, seconded by Senator Baker and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

WILLIAM LINDEMANN, term to expire June 30, 2008 (Gov. Msg. No. 286);

KUUHAKU PARK, term to expire June 30, 2008 (Gov. Msg. No. 287); and

GAIL YUH, term to expire June 30, 2008 (Gov. Msg. No. 288),

seconded by Senator Baker.

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

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

Stand. Com. Rep. No. 1037 (Gov. Msg. Nos. 161, 162, 163, 164 and 165):

Senator Baker moved that Stand. Com. Rep. No. 1037 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

DIANE M. IRONS, term to expire June 30, 2008 (Gov. Msg. No. 161);

STUART DAVID LERNER M.D., term to expire June 30, 2008 (Gov. Msg. No. 162);

IAN T. SANTEE, term to expire June 30, 2008 (Gov. Msg. No. 163);

WILLIAM T. WATKINS JR., term to expire June 30, 2008 (Gov. Msg. No. 164); and

MILLICENT WELLINGTON, term to expire June 30, 2007 (Gov. Msg. No. 165),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1038 (Gov. Msg. Nos. 181, 182 and 183):

Senator Baker moved that Stand. Com. Rep. No. 1038 be received and placed on file, seconded by Senator Chun Oakland and carried.

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

MAILE BURKE MPA, term to expire June 30, 2008 (Gov. Msg. No. 181);

JASON E. MADDOCK PHD, term to expire June 30, 2008 (Gov. Msg. No. 182); and

ROGER B. MCKEAGUE, term to expire June 30, 2009 (Gov. Msg. No. 183),

seconded by Senator Chun Oakland.

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

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

Stand. Com. Rep. No. 1039 (Gov. Msg. Nos. 184, 185, 186, 187, 188 and 189):

Senator Baker moved that Stand. Com. Rep. No. 1039 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawaii Health Systems Corporation of the following:

ROSANNE C. HARRIGAN EDD, term to expire June 30, 2007 (Gov. Msg. No. 184);

SAMUEL DWIGHT LYONS MD, term to expire June 30, 2008 (Gov. Msg. No. 185);

CAROL MYRIANTHIS RPT, PSYD, term to expire June 30, 2008 (Gov. Msg. No. 186);

BRIAN K. NAKASHIMA, term to expire June 30, 2008 (Gov. Msg. No. 187);

TYLER SMITH, term to expire June 30, 2008 (Gov. Msg. No. 188); and

ROBERT VALENCIA SR., term to expire June 30, 2008 (Gov. Msg. No. 189),

seconded by Senator Chun Oakland.

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

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

ADVISE AND CONSENT

Stand. Com. Rep. No. 1285 (Gov. Msg. Nos. 266, 267, 268 and 269):

Senator Espero moved that Stand. Com. Rep. No. 1285 be received and placed on file, seconded by Senator Fukunaga and carried.

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

DONALD DYMOND, term to expire June 30, 2008 (Gov. Msg. No. 266);

GEORGE J. HANDGIS, term to expire June 30, 2009 (Gov. Msg. No. 267);

NOELANI WHITTINGTON, term to expire June 30, 2006 (Gov. Msg. No. 268); and

MICHAEL C. L. YEE, term to expire June 30, 2008 (Gov. Msg. No. 269),

seconded by Senator Fukunaga.

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

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

Stand. Com. Rep. No. 1286 (Gov. Msg. Nos. 271 and 272):

Senator Espero moved that Stand. Com. Rep. No. 1286 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Stadium Authority of the following:

MARVIN A. FONG, term to expire June 30, 2008 (Gov. Msg. No. 271); and

ALEXANDER C. KANE JR., term to expire June 30, 2008 (Gov. Msg. No. 272),

seconded by Senator Fukunaga.

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

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

Stand. Com. Rep. No. 1287 (Gov. Msg. Nos. 194 and 195):

Senator Kanno moved that Stand. Com. Rep. No. 1287 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Hoisting Machine Operators Advisory Board of the following:

ROY SEIYEI AKAMINE, term to expire June 30, 2008 (Gov. Msg. No. 194); and

THOMAS S. VENDETTA, term to expire June 30, 2008 (Gov. Msg. No. 195),

seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1288 (Gov. Msg. No. 394):

Senator Kanno moved that Stand. Com. Rep. No. 1288 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 ALTON T. KUIOKA to the Board of Trustees of the Employees' Retirement System (ERS), term to expire January 1, 2011, seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1289 (Gov. Msg. No. 147):

Senator Kanno moved that Stand. Com. Rep. No. 1289 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 KENNETH T. TAIRA to the Board of Trustees of the Deferred Compensation Plan, term to expire June 30, 2008, seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1290 (Gov. Msg. Nos. 303, 304, 305, 306 and 307):

Senator Kanno moved that Stand. Com. Rep. No. 1290 be received and placed on file, seconded by Senator Ihara and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Hawaii Workforce Development Council of the following:

GLADYS C. BAISA, term to expire June 30, 2008 (Gov. Msg. No. 303);

JEFFREY BLOOM, term to expire June 30, 2008 (Gov. Msg. No. 304);

JONATHAN J. CHUN, term to expire June 30, 2009 (Gov. Msg. No. 305);

ALAN L. GARSON ED.D., term to expire June 30, 2008 (Gov. Msg. No. 306); and

DENIS MACTAGONE, term to expire June 30, 2006 (Gov. Msg. No. 307),

seconded by Senator Ihara.

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

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

Stand. Com. Rep. No. 1291 (Gov. Msg. No. 274):

Senator Taniguchi moved that Stand. Com. Rep. No. 1291 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of MICHAEL J. CHOI to the Board of Taxation Review, 1st Taxation District (Oahu), term to expire June 30, 2008, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 1292 (Gov. Msg. No. 275):

Senator Taniguchi moved that Stand. Com. Rep. No. 1292 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of ALAN K. BERNALDO to the Board of Taxation Review, 2nd Taxation District (Maui), term to expire June 30, 2008, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 1293 (Gov. Msg. No. 276):

Senator Taniguchi moved that Stand. Com. Rep. No. 1293 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of DWAYNE STEPHEN LERMA to the Board of Taxation Review, 3rd Taxation District (Hawaii), term to expire June 30, 2008, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 1294 (Gov. Msg. No. 277):

Senator Taniguchi moved that Stand. Com. Rep. No. 1294 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of CAROL P. WEIR to the Board of Taxation Review, 3rd Taxation District (Hawaii), term to expire June 30, 2007, seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 1295 (Gov. Msg. Nos. 278 and 279):

Senator Taniguchi moved that Stand. Com. Rep. No. 1295 be received and placed on file, seconded by Senator Tsutsui and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nominations to the Board of Taxation Review, 4th Taxation District (Kauai) of the following:

SANDRA L. DAY MBA, CPA, term to expire June 30, 2008 (Gov. Msg. No. 278); and

ALBERT W. STIGLMEIER, term to expire June 30, 2007 (Gov. Msg. No. 279),

seconded by Senator Tsutsui.

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

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

Stand. Com. Rep. No. 1306 (Jud. Com. No. 1):

Senator Hanabusa moved that Stand. Com. Rep. No. 1306 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate consent to the nomination of EDWIN C. NACINO to the office of Judge, District Court of the First Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Hee.

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

"Mr. President, I stand in support of Jud. Com. No. 1, submitting for consideration and confirmation to the District Court of the First Circuit, judicial nominee Edwin C. Nacino.

"Mr. President, I'd like to begin by first saying I didn't know Mr. Nacino before this process, but I want you and my colleagues to know that he has left an impression with me of someone that we do want to serve as a district court judge.

"Mr. Nacino was born in Kauai, moved to Oahu and actually grew up in Mayor Wright Housing. He did his middle school work at Central Intermediate and graduated from McKinley High School. Mr. Nacino went on to become a police officer with HPD for about eight to nine years and during that time Mr. Nacino achieved his Bachelor of Arts degree from the University of Hawaii while being a fulltime police officer. Then, in about 1986, 1987 he started law school at the William S. Richardson School of Law. Since then graduating in 1990, he has been a prosecuting attorney, a judge's law clerk, and most recently a partner in the law firm of Roeca Louie and Hiraoka.

"I'd like to say that one of the things that struck me the most about Mr. Nacino is that he's a very real person. The Hawaii State Bar Association rated him qualified and one of the people who spoke on his behalf described him as he's not your classic Ivy Leaguer. Mr. President, we don't want an Ivy Leaguer in this position.

"I think what I'd like to share with everyone is his own words when he said in response to the question of – what is it that you believe gives you that experience to be a good judge? He says, 'My exposure to the unfortunate experiences of discrimination and prejudice, experiences that immigrants endure when English is not their first language, or when one lives in housing have provided me with the compassion and understanding for the underprivileged. The situation crisis intervention and training that I have gained as a police officer provided me the very unique view of people at both their worst and their best.'

"Mr. President, the thing about Mr. Nacino, if you sat through our hearings, is that he is such a real person. If you recall everyone who has come before us who wants to be a district court judge, the common theme that we must all look for is the fact that the district court judge is really where most people experience justice. Most people will have their first and last opportunity at the district court. The district court is the one that makes what we may consider to be not such major cases but the cases that affect the individual – there are traffic, there are trespass, there are landlord/tenant problems. The bulk of the people who have an experience with the judiciary will do it on the district court level.

"Mr. President, Mr. Nacino gives you the sense that he will be very fair, very compassionate, and very understanding. He may not be that Ivy Leaguer, but I will tell you – he is the face of the judiciary that we all want when we go there. I believe the fact that he grew up in housing and experienced everything and worked his way through school and went from police officer to defense lawyer is a great statement on his part.

"Mr. President, I'd also like to say that the fact that he is smart enough to send his daughter to St. Andrews Priory, his only child, is another indication of what a great mind this man really has. Unfortunately, Shelby isn't here with us today, but I did want to mention the fact that he is also and proudly states that he is a participating member in the Priory PTA.

"Mr. President, I ask you and the rest of my colleagues to join me in consenting to the confirmation of Edwin C. Nacino to the district court.

"Thank you very much."

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

Ayes, 25. Noes, none.

At this time, Senator Hanabusa introduced Judge Nacino and his family to the members of the Senate.

At 12:17 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:21 o'clock p.m.

ADOPTION OF RESOLUTION

MATTER DEFERRED FROM WEDNESDAY, MARCH 30, 2005

Stand. Com. Rep. No. 1308 (S.C.R. No. 18):

On motion by Senator Hee, seconded by Senator Trimble and carried, the joint report of the Committees was adopted and S.C.R. No. 18, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE NATIONAL CONFERENCE OF INSURANCE LEGISLATORS PROPERTY/CASUALTY INSURANCE MODERNIZATION ACT," was adopted.

Senator Slom rose on a point of personal privilege as follows:

"Mr. President, I rise on a point of personal privilege.

"Competition – two days ago a new shipping company made its debut in Hawaii and brought with it competition to two existing carriers. And immediately the two existing carriers found ways of lowering their rates to the consumers of Hawaii. Yesterday, the newest life and health casualty insurance company Summerlin Insurance announced it was going to be filing for a 20 percent rate reduction in premiums July 1st, and immediately the existing carriers began discussions about how they might reduce or change their rates as well.

"Colleagues, we debate a lot of bills and we're always trying to help our consumers and help our taxpayers, but too often what we try to do is to regulate rates or put further restrictions or prohibitions on business. We have urged for a long period of time to extend and expand competition, because with competition comes not only better goods and services but also lower prices.

"So now that we have one-third of our Session remaining and we're preparing to go into Conference, we should keep this in mind – if we truly want to help increase the standard of living of the people of Hawaii and also to help give us better services and goods, the way to go really is to find ways of removing impediments and increasing new businesses to come to Hawaii or for those here to expand so as to provide that competition and lower prices.

"Thank you, Mr. President."

ADJOURNMENT

At 12:24 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, April 1, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate