

FIFTY-SECOND DAY

Thursday, April 21, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Mark Sugimoto, Superintendent, Hanalani Schools, Mililani, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 804 to 828) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 804, advising the Senate of the withdrawal of the nominations of:

MOHINDER S. MAAN to the Pest Control Board, under Gov. Msg. No. 648, dated April 11, 2005; and

BRIAN J. FORREST to the Real Estate Commission, under Gov. Msg. No. 650, dated April 11, 2005,

was placed on file.

In compliance with Gov. Msg. No. 804, the nominations listed under Gov. Msg. Nos. 648 and 650 were returned.

Gov. Msg. No. 805, dated April 19, 2005, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for Federal Fiscal Year Ending September 30, 2004, was placed on file.

Gov. Msg. No. 806, informing the Senate that on April 20, 2005, she signed into law House Bill No. 313 as Act 17, entitled: "RELATING TO 911 EMERGENCY SERVICE," was placed on file.

Gov. Msg. No. 807, informing the Senate that on April 20, 2005, she signed into law House Bill No. 496 as Act 18, entitled: "RELATING TO PETTY MISDEMEANORS," was placed on file.

Gov. Msg. No. 808, informing the Senate that on April 20, 2005, she signed into law Senate Bill No. 1249 as Act 19, entitled: "RELATING TO EDUCATION," was placed on file.

Gov. Msg. No. 809, informing the Senate that on April 20, 2005, she signed into law Senate Bill No. 1210 as Act 20, entitled: "RELATING TO FAMILY CHILD CARE," was placed on file.

Gov. Msg. No. 810, informing the Senate that on April 20, 2005, she signed into law House Bill No. 8 as Act 21, entitled: "RELATING TO MILITARY SERVICE," was placed on file.

Gov. Msg. No. 811, informing the Senate that on April 20, 2005, she signed into law House Bill No. 1221 as Act 22, entitled: "RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES,

CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," was placed on file.

Gov. Msg. No. 812, advising the Senate of the withdrawal of the nomination of NICHOLAS W. TEVES JR. to the Land Use Commission, under Gov. Msg. No. 632, dated April 11, 2005, was placed on file.

In compliance with Gov. Msg. No. 812, the nomination listed under Gov. Msg. No. 632 was returned.

Gov. Msg. No. 813, advising the Senate of the withdrawal of the nomination of EDWARD HALEALOHA AYAU to the Island Burial Council, Island of Molokai, under Gov. Msg. No. 596, dated April 11, 2005, was placed on file.

In compliance with Gov. Msg. No. 813, the nomination listed under Gov. Msg. No. 596 was returned.

Gov. Msg. No. 814, advising the Senate of the withdrawal of the nominations of:

RITO SANIATAN to the Civil Rights Commission, under Gov. Msg. No. 389, dated March 9, 2005; and

EDWINA H. CACOULIDIS to the Island Burial Council, Island of Molokai, under Gov. Msg. No. 597, dated April 11, 2005,

was placed on file.

In compliance with Gov. Msg. No. 814, the nominations listed under Gov. Msg. Nos. 389 and 597 were returned.

Gov. Msg. No. 815, advising the Senate of the withdrawal of the nomination of LESLIE J. KRENK RPH, CDE to the Hawaii Medical Education Council, under Gov. Msg. No. 635, dated April 11, 2005, was placed on file.

In compliance with Gov. Msg. No. 815, the nomination listed under Gov. Msg. No. 635 was returned.

Gov. Msg. No. 816, submitting for consideration and confirmation to the Cable Advisory Committee, the nomination of KEITH ROLLMAN, term to expire June 30, 2008, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 817, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of VENKATARAMAN BALARAMAN, term to expire June 30, 2005, was referred to the Committee on Health.

Gov. Msg. No. 818, submitting for consideration and confirmation to the Drug Product Selection Board, the nomination of VENKATARAMAN BALARAMAN, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 819, submitting for consideration and confirmation to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, the nomination of RILEY WILLIAM SMITH PE, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 820, submitting for consideration and confirmation to the Health Planning Council, Hawaii County

Subarea, the nomination of DUANE M. ILSTRUP, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 821, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of VALERIE L. SIMONSEN, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 822, submitting for consideration and confirmation to the Health Planning Council, West Oahu Subarea, the nomination of FREDERICK SHAW, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 823, submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of WILLIAM G. OBANA MD, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 824, submitting for consideration and confirmation to the Tax Review Commission, the nomination of CHRISTOPHER GRANDY, term to expire Adjournment Sine Die 2007, was referred to the Committee on Ways and Means.

Gov. Msg. No. 825, submitting for consideration and confirmation to the Commission on Transportation, the nomination of EVAN R. RUBENSTEIN, term to expire June 30, 2006, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 826, submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, the nomination of DYLAN W.J. NONAKA, term to expire June 30, 2007, was referred to the Committee on Higher Education.

Gov. Msg. No. 827, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nomination of LAURA W. SCHULTZ DVM, term to expire June 30, 2009, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 828, submitting for consideration and confirmation to the Interstate Insurance Product Regulation Commission, the nomination of SHELLEY K. SANTO, term to expire N/A, was referred to the Committee on Commerce, Consumer Protection and Housing.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 669 to 682) were read by the Clerk and were place on file:

Hse. Com. No. 669, informing the Senate that the House reconsidered its action taken on March 30, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 98, H.D. 2 (S.D. 1).

Hse. Com. No. 670, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 447, H.D. 1 (S.D. 1).

Hse. Com. No. 671, informing the Senate that the House reconsidered its action taken on March 30, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 515 (S.D. 1).

Hse. Com. No. 672, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing

to the amendments proposed by the Senate to H.B. No. 556 (S.D. 1).

Hse. Com. No. 673, informing the Senate that the House reconsidered its action taken on April 14, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 919, H.D. 1 (S.D. 2).

Hse. Com. No. 674, informing the Senate that the House reconsidered its action taken on April 5, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 1450, H.D. 2 (S.D. 1).

Hse. Com. No. 675, informing the Senate that the House reconsidered its action taken on April 5, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 1453, H.D. 1 (S.D. 1).

Hse. Com. No. 676, informing the Senate that the House reconsidered its action taken on April 5, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 1712, H.D. 1 (S.D. 1).

Hse. Com. No. 677, informing the Senate that the House reconsidered its action taken on April 5, 2005, in disagreeing to the amendments proposed by the Senate to H.B. No. 1715, H.D. 1 (S.D. 1).

Hse. Com. No. 678, informing the Senate that the Speaker on April 20, 2005, made the following changes to the conferees on the following bill:

H.B. No. 1749, H.D. 2 (S.D. 2):

Discharged Representative Chong as a manager.

Appointed Representative Chong as co-chair.

Hse. Com. No. 679, informing the Senate that the Speaker on April 20, 2005, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 118, S.D. 2 (H.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Green, Herkes, Schatz, Finnegan.

S.B. No. 179, S.D. 2 (H.D. 2):

Representatives Kahikina, Nakasone, co-chairs; Nishimoto, Meyer.

S.B. No. 1897, S.D. 2 (H.D. 2):

Representatives Kanoho, Karamatsu, co-chairs; Carroll, Magaoy, Schatz, Wakai, Pine.

Hse. Com. No. 680, informing the Senate that the Speaker on April 20, 2005, made the following change to the conferees on the following bill:

S.B. No. 1592, S.D. 1 (H.D. 2):

Appointed Representative Berg as a manager.

Hse. Com. No. 681, informing the Senate that the Speaker on April 20, 2005, made the following changes to the conferees on the following bill:

H.B. No. 1308, H.D. 1 (S.D. 1):

Appointed Representatives Magaoay, Wakai as a managers.

Hse. Com. No. 682, informing the Senate that the Speaker on April 20, 2005, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bills:

H.B. No. 109, H.D. 1 (S.D. 2):

Representatives Kanoho, Abinsay, Herkes, Takamine, co-chairs; Yamashita, Meyer.

H.B. No. 325 (S.D. 2):

Representatives Caldwell, Takamine, co-chairs; Nakasone, Pine.

H.B. No. 332, H.D. 1 (S.D. 2):

Representatives Arakaki, Hiraki, co-chairs; Green, Finnegan.

H.B. No. 1331, H.D. 1 (S.D. 2):

Representatives Morita, Takamine, co-chairs; Evans, Meyer.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 1763) recommending that the Senate advise and consent to the nomination of DAVID FUERTES to the Community-Based Economic Development Advisory Council, in accordance with Gov. Msg. No. 564.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1763 and Gov. Msg. No. 564 was deferred until Friday, April 22, 2005.

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 1764) recommending that the Senate advise and consent to the nomination of SHARON L. PANG to the Small Business Regulatory Review Board, in accordance with Gov. Msg. Nos. 656 and 657.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1764 and Gov. Msg. Nos. 656 and 657 was deferred until Friday, April 22, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1765) recommending that the Senate advise and consent to the nominations to the Hawaii Teacher Standards Board of the following:

JONATHAN GILLENLINE, in accordance with Gov. Msg. No. 280;

CAROL SEIELSTAD, in accordance with Gov. Msg. No. 281; and

JULIE K. TOMOMITSU, in accordance with Gov. Msg. No. 282.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1765 and Gov. Msg. Nos. 280, 281 and 282 was deferred until Friday, April 22, 2005.

Senators Sakamoto and Ige, for the Committee on Education and Military Affairs and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 1766) recommending that S.R. No. 33, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1766 and S.R. No. 33, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO REEVALUATE THE DEPARTMENT OF DEFENSE ENLISTMENT POLICY FOR HOMESCHOOLERS," was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1767) recommending that the Senate advise and consent to the nominations to the Board of Electricians and Plumbers of the following:

DEAN D. CHOY, in accordance with Gov. Msg. No. 574; and

MAURICE F. TORIGOE, in accordance with Gov. Msg. No. 575.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1767 and Gov. Msg. Nos. 574 and 575 was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1768) recommending that the Senate advise and consent to the nomination of GARY S. FUKUROKU to the Credit Union Advisory Board, in accordance with Gov. Msg. No. 565.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1768 and Gov. Msg. No. 565 was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1769) recommending that the Senate advise and consent to the nomination of NARIYOSHI HIRAOKA to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 561.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1769 and Gov. Msg. No. 561 was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1770) recommending that the Senate advise and consent to the nominations to the Board of Dental Examiners of the following:

DANIEL F. FUJII DDS, MPH, in accordance with Gov. Msg. No. 569;

MARIAN J. GREY, in accordance with Gov. Msg. No. 570; and

CHERYL M. NAKAGAWA, in accordance with Gov. Msg. No. 571.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1770 and Gov. Msg. Nos. 569, 570 and 571 was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1771) recommending that the Senate advise and consent to the nomination of CHARLES A. STED to the Board of Directors of the Housing and Community Development Corporation of Hawaii (HCDCH), in accordance with Gov. Msg. No. 583.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1771 and Gov. Msg. No. 583 was deferred until Friday, April 22, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1772) recommending that H.C.R. No. 113 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1772 and H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS ON THE EFFECTIVENESS OF THE HAWAII INSURANCE BUREAU'S FIRE RATING PROGRAM," was deferred until Friday, April 22, 2005.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 1773) recommending that H.C.R. No. 273, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1773 and H.C.R. No. 273, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO DEVELOP AND ESTABLISH A VOLUNTEER RECOGNITION PROGRAM FOR VOLUNTEERS IN EACH SCHOOL DISTRICT AND ACROSS THE STATE," was deferred until Friday, April 22, 2005.

ORDER OF THE DAY

FINAL READING

S.B. No. 680, S.D. 1, H.D. 1:

On motion by Senator English, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 680, S.D. 1, and S.B. No. 680, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 21. Noes, none. Excused, 4 (Chun Oakland, Menor, Taniguchi, Tsutsui).

S.B. No. 768, S.D. 1, H.D. 1:

Senator Baker moved that S.B. No. 768, S.D. 1, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Espero.

Senator Slom rose to speak in opposition and stated:

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

"When the original bill and law were discussed several years ago, I rose in opposition to that. I questioned the bill itself, how it was written, how it was to be interpreted, and I understand that what this latest version does is to completely repeal the law because it was found to be unworkable and unenforceable. In looking at the present draft, I find the same thing. It is

unworkable, unenforceable. It also has a fee attached to this current version.

"And as one of our staff people said, it's very interesting to talk about rules that we're proposing for 'no rules combat,' so I'll be voting 'no.'

"Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 768, S.D. 1, and S.B. No. 768, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTESTS INVOLVING NO RULES COMBAT, EXTREME OR ULTIMATE FIGHTING, AND OTHER SIMILAR COMPETITIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 2 (Slom, Trimble). Excused, 3 (Menor, Taniguchi, Tsutsui).

S.B. No. 1170, S.D. 2, H.D. 1:

On motion by Senator Baker, seconded by Senator Fukunaga and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1170, S.D. 2, and S.B. No. 1170, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

At 11:51 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:52 o'clock a.m.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1719 (Gov. Msg. Nos. 448, 449 and 450):

Senator Baker moved that Stand. Com. Rep. No. 1719 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 State Council on Developmental Disabilities of the following:

ORALIE CARTER, term to expire September 20, 2008 (Gov. Msg. No. 448);

ANN E. COLLINS, term to expire September 20, 2008 (Gov. Msg. No. 449); and

CHARLOTTE K. YOSHIDA, term to expire June 30, 2007 (Gov. Msg. No. 450),

seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1720 (Gov. Msg. Nos. 451, 452, 453, 454 and 455):

Senator Baker moved that Stand. Com. Rep. No. 1720 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 Disability and Communication Access Board of the following:

MARIE E. KIMMEY, term to expire June 30, 2009 (Gov. Msg. No. 451);

WILLIAM K. KOKI II, term to expire June 30, 2009 (Gov. Msg. No. 452);

STERLING KRYSLER, term to expire June 30, 2009 (Gov. Msg. No. 453);

MARK T. OBATAKE, term to expire June 30, 2007 (Gov. Msg. No. 454); and

NORMAN F. OLESEN, term to expire June 30, 2009 (Gov. Msg. No. 455),

seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1721 (Gov. Msg. Nos. 459 and 460):

Senator Baker moved that Stand. Com. Rep. No. 1721 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:

CAROLYN ARBUCKLE PH.D., term to expire June 30, 2009 (Gov. Msg. No. 459); and

THOMAS J. MACDONALD, term to expire June 30, 2009 (Gov. Msg. No. 460),

seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1722 (Gov. Msg. No. 461):

Senator Baker moved that Stand. Com. Rep. No. 1722 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 nomination of DARREN J. ROSARIO to the Emergency Medical Services Advisory Committee, term to expire June 30, 2007, seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1723 (Gov. Msg. Nos. 468, 469, 470, 471, 472 and 473):

Senator Baker moved that Stand. Com. Rep. No. 1723 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:

GENEVIEVE A. KINNEY, term to expire June 30, 2008 (Gov. Msg. No. 468);

ANN M. KWOCK, term to expire June 30, 2008 (Gov. Msg. No. 469);

BARRY SHITAMOTO MD, term to expire June 30, 2008 (Gov. Msg. No. 470);

RICHARD E. SMITH REHS, MPH, terms to expire June 30, 2005, and June 30, 2009 (Gov. Msg. Nos. 471 and 472); and

JEFF J. SOL MD, term to expire June 30, 2008 (Gov. Msg. No. 473),

seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1724 (Gov. Msg. No. 474):

Senator Baker moved that Stand. Com. Rep. No. 1724 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 nomination of ANDREA LEHUALANI COSMA to the Board of Directors of the Hawaii Health Systems Corporation, term to expire June 30, 2009, seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1725 (Gov. Msg. Nos. 512, 513, 514, 515 and 516):

Senator Baker moved that Stand. Com. Rep. No. 1725 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 Radiologic Technology Board of the following:

LORI H. O. KAMIKAWA, term to expire June 30, 2009 (Gov. Msg. No. 512);

VICTORY KNEISLEY, term to expire June 30, 2009 (Gov. Msg. No. 513);

MARJORIE M. KUNIYOSHI, term to expire June 30, 2008 (Gov. Msg. No. 514);

MARK MONIZ, term to expire June 30, 2009 (Gov. Msg. No. 515); and

STEIN ERIK RAFTO MD, term to expire June 30, 2009 (Gov. Msg. No. 516),

seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1726 (Gov. Msg. No. 530):

Senator Inouye moved that Stand. Com. Rep. No. 1726 be received and placed on file, seconded by Senator Espero and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GORDON J. BRUCE to the Wireless Enhanced 911 Board, term to expire June 30, 2007, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1727 (Gov. Msg. Nos. 397 and 398):

Senator Espero moved that Stand. Com. Rep. No. 1727 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:

JEANETTE OTSUKA CHANG, term to expire June 30, 2009 (Gov. Msg. No. 397); and

EDWARD MACDOWELL, term to expire June 30, 2009 (Gov. Msg. No. 398),

seconded by Senator Fukunaga.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1728 (Gov. Msg. Nos. 399, 400 and 401):

Senator Espero moved that Stand. Com. Rep. No. 1728 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:

KATHLEEN O. AHINA, term to expire June 30, 2009 (Gov. Msg. No. 399);

MARCIA J. KLOMPUS, term to expire June 30, 2009 (Gov. Msg. No. 400); and

NELSON OYADOMARI, term to expire June 30, 2009 (Gov. Msg. No. 401),

seconded by Senator Fukunaga.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1729 (Gov. Msg. No. 432):

Senator Espero moved that Stand. Com. Rep. No. 1729 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of MELISSA TEVES PAVLICEK to the Board of Directors of the Aloha Tower Development Corporation, term to expire June 30, 2008, seconded by Senator Fukunaga.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1730 (Gov. Msg. No. 443):

Senator Espero moved that Stand. Com. Rep. No. 1730 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of STEPHANIE S. H. CRIVELLO to the Community-Based Economic Development Advisory Council, term to expire June 30, 2009, seconded by Senator Fukunaga.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1732 (Gov. Msg. No. 456 and 457):

Senator Baker moved that Stand. Com. Rep. No. 1732 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 nomination of TODD KIYOSHI INAFUKU to the Drug Product Selection Board, terms to expire June 30, 2005, and June 30, 2009, seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1733 (Gov. Msg. No. 439):

Senator Baker moved that Stand. Com. Rep. No. 1733 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of ULRIKE WEISS to the Board of Acupuncture, term to expire June 30, 2009, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1734 (Gov. Msg. Nos. 484 and 485):

Senator Baker moved that Stand. Com. Rep. No. 1734 be received and placed on file, seconded by Senator Espero and carried.

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

BRIAN E. CODY, term to expire June 30, 2009 (Gov. Msg. No. 484); and

H ROGER NETZER MD, term to expire June 30, 2009 (Gov. Msg. No. 485),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1735 (Gov. Msg. No. 486):

Senator Baker moved that Stand. Com. Rep. No. 1735 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WAYNE K. DE LUZ to the Motor Vehicle Industry Licensing Board, term to expire June 30, 2009, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1736 (Gov. Msg. No. 487):

Senator Baker moved that Stand. Com. Rep. No. 1736 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RANDAL M. MORIFUJI to the Motor Vehicle Repair Industry Board, term to expire June 30, 2008, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1737 (Gov. Msg. Nos. 437 and 438):

Senator Baker moved that Stand. Com. Rep. No. 1737 be received and placed on file, seconded by Senator Espero and carried.

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

STEPHEN E. CALLO, term to expire June 30, 2009 (Gov. Msg. No. 437); and

HOWARD S. TODO, term to expire June 30, 2009 (Gov. Msg. No. 438),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1738 (Gov. Msg. No. 510):

Senator Baker moved that Stand. Com. Rep. No. 1738 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of WARREN J. FERREIRA MA CPP to the Board of Private Detectives and Guards, term to expire June 30, 2009, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1739 (Gov. Msg. Nos. 463, 464, 465 and 466):

Senator Baker moved that Stand. Com. Rep. No. 1739 be received and placed on file, seconded by Senator Espero and carried.

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

MICHAEL S. CHU, term to expire June 30, 2008 (Gov. Msg. No. 463);

SHELLI A. MCCELVEY, term to expire June 30, 2009 (Gov. Msg. No. 464);

ROSS S. OKUDA PE, term to expire June 30, 2008 (Gov. Msg. No. 465); and

KEN OTA, term to expire June 30, 2009 (Gov. Msg. No. 466),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1740 (Gov. Msg. Nos. 527 and 528):

Senator Baker moved that Stand. Com. Rep. No. 1740 be received and placed on file, seconded by Senator Espero and carried.

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

ERIC M. F. C. AKO DVM, term to expire June 30, 2008 (Gov. Msg. No. 527); and

PAM L. SMITH, term to expire June 30, 2009 (Gov. Msg. No. 528),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1741 (Gov. Msg. Nos. 444, 445 and 446):

Senator Baker moved that Stand. Com. Rep. No. 1741 be received and placed on file, seconded by Senator Espero and carried.

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

TADY T. ARISUMI, term to expire June 30, 2009 (Gov. Msg. No. 444);

JOE S. KINDRICH, term to expire June 30, 2009 (Gov. Msg. No. 445); and

AUDREY E. J. NG, term to expire June 30, 2009 (Gov. Msg. No. 446),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1742 (Gov. Msg. No. 511):

Senator Baker moved that Stand. Com. Rep. No. 1742 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of EVELYN H. YANAGIDA to the Board of Psychology, term to expire June 30, 2009, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1743 (Gov. Msg. No. 497):

Senator Baker moved that Stand. Com. Rep. No. 1743 be received and placed on file, seconded by Senator Espero and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of LAURIE STEELSMITH to the Board of Examiners in Naturopathy, term to expire June 30, 2008, seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1744 (Gov. Msg. Nos. 518, 519, 520 and 521):

Senator Baker moved that Stand. Com. Rep. No. 1744 be received and placed on file, seconded by Senator Espero and carried.

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

ANA A. GAMBLE, term to expire June 30, 2008 (Gov. Msg. No. 518);

MONA S. TAKUMI, term to expire June 30, 2008 (Gov. Msg. No. 519);

LENHANH P. TRAN MD, term to expire June 30, 2008 (Gov. Msg. No. 520); and

MARGARET K. WADA, term to expire June 30, 2008 (Gov. Msg. No. 521),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1745 (Gov. Msg. Nos. 502, 503, 504, 505, 506, 507 and 508):

Senator Baker moved that Stand. Com. Rep. No. 1745 be received and placed on file, seconded by Senator Espero and carried.

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

KATHARYN FROST DAUB RN, term to expire June 30, 2007 (Gov. Msg. No. 502);

DARRYL N. ING, term to expire June 30, 2007 (Gov. Msg. No. 503);

JILLIAN INOUYE, term to expire June 30, 2007 (Gov. Msg. No. 504);

PATRICIA A. LANGE-OTSUKA EDD, MSN APRN BC, term to expire June 30, 2008 (Gov. Msg. No. 505);

BENJAMIN MERCADO, term to expire June 30, 2009 (Gov. Msg. No. 506);

MARY FRANCES ONEHA, term to expire June 30, 2008 (Gov. Msg. No. 507); and

BARBARA ANN TANNER RN, term to expire June 30, 2008 (Gov. Msg. No. 508),

seconded by Senator Espero.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1748 (Gov. Msg. Nos. 201 and 202):

Senator Kokubun moved that Stand. Com. Rep. No. 1748 be received and placed on file, seconded by Senator Hooser and carried.

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

MICHAEL D. FORMBY, term to expire June 30, 2008 (Gov. Msg. No. 201); and

LISA M. JUDGE, term to expire June 30, 2008 (Gov. Msg. No. 202),

seconded by Senator Hooser.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1749 (Gov. Msg. No. 293):

Senator Kokubun moved that Stand. Com. Rep. No. 1749 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of LAWRENCE H. MIIKE MD, JD to the Commission on Water Resource Management, term to expire June 30, 2008, seconded by Senator Hooser.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1750 (Gov. Msg. Nos. 386 and 387):

Senator Kokubun moved that Stand. Com. Rep. No. 1750 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nominations to the Board of Agriculture of the following:

ALAN H. GOTTLIEB, term to expire June 30, 2009 (Gov. Msg. No. 386); and

CRAIG G. RASMUSSEN, term to expire June 30, 2009 (Gov. Msg. No. 387),

seconded by Senator Hooser.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1751 (Gov. Msg. No. 390):

Senator Kokubun moved that Stand. Com. Rep. No. 1751 be received and placed on file, seconded by Senator Hooser and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of MICHAEL N. GOSHI to the Hawaii Community Development Authority (HCDA), term to expire October 12, 2007, seconded by Senator Hooser.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

Stand. Com. Rep. No. 1752 (Gov. Msg. Nos. 291 and 292):

Senator Sakamoto moved that Stand. Com. Rep. No. 1752 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 Advisory Board on Veterans' Services of the following:

RONALD J. HAYS USN (RET.), term to expire June 30, 2008 (Gov. Msg. No. 291); and

LLYOD K. SODETANI, term to expire June 30, 2008 (Gov. Msg. No. 292),

seconded by Senator Hooser.

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

Ayes, 23. Noes, none. Excused, 2 (Menor, Taniguchi).

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

Stand. Com. Rep. No. 1761 (Gov. Msg. No. 289):

Senator Hee moved that Stand. Com. Rep. No. 1761 be received and placed on file, seconded by Senator Inouye and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of RAMON S. DE LA PENA PH.D. to the Board of Regents of the University of Hawaii, term to expire June 30, 2008, seconded by Senator Inouye.

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

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

Stand. Com. Rep. No. 1762 (Gov. Msg. No. 290):

Senator Slom rose and said:

"Mr. President, can we have a Roll Call vote please?"

The Chair so ordered.

At 11:57 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

By unanimous consent, Stand. Com. Rep. No. 1762 was received and placed on file.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of JOHN K. KAI to the Board of Regents of the University of Hawaii, term to expire June 30, 2007, seconded by Senator Trimble.

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

"Mr. President, I rise in support of the nominee, who is sitting upstairs watching the proceedings here and he's probably

wondering why there has been all this controversy and yet the vote was going to slide by there.

"First of all, the nominee is a very good man. He comes from a very good family. I know his family. They work hard in the State of Hawaii and John Kai is a tremendous businessman, community member and individual, and I think the University of Hawaii Board of Regents is proud to have him as an interim member.

"In fact, there was all positive testimony about John Kai, including some from current Board of Regent members. Here is one: 'John has been an outstanding member of the Board of Regents during the months he has served on an interim basis. He brings a high level of expertise in areas that are pertinent to the work of the regents and is always well prepared and active as a policymaker and steward. John's expertise in the areas of financial investment management has been extremely valuable to the board as we exercise our financial and fiduciary responsibilities.' That one was signed by Kitty Lagareta. There is another one here. This one is from Byron Bender: 'I'm writing you in support of the appointment of John Kai to the UH Board of Regents. In the months that he's already been serving, I've come to know him as someone who is dedicated to public service, who brings to this assignment expertise in the areas of finance. Although he might be expected to pay special attention to Big Island issues, he has shown that he understands that as a member of the Board of Regents, he has a duty to take a statewide perspective. He is bright,' and this is really kind of interesting, 'and relatively young and a fast learner. I believe that he has the potential for establishing a record of sustained, top quality service. I urge you to vote for this confirmation.'

"I'm not going to go through and read all of the testimony, but all of it is positive. All of the testimony was positive – all of the testimony was positive. It comes from former members of the Board of Regents. It comes from the University of Hawaii at Hilo people, including the Chancellor there. It comes from people who know him on the Big Island, individuals everywhere, people standing up for John Kai as an outstanding man.

"Now, I read some comment made and I actually saw it on television when this was on Olelo. There was a comment that John Kai might not rise to the level of some other potential members of the Board of Regents because he is a small businessman, because other people who have been nominated to the Board of Regents apparently are top corporate executives, and therefore John Kai, being a small businessman, apparently doesn't rise to the bar. Well, that should come as a startling surprise to members of the small business community.

"Do you realize that we probably have more small businesspeople in the state than any other category, and John Kai represents them and represents them extremely well. He has founded a business that is extremely successful. Do you realize how difficult that is? Small businesses fail every day because of a variety of reasons – mismanagement, over regulation, taxes, etc. – and yet, John Kai's management has led to having a very successful small business. Why shouldn't we have this kind of voice on the Board of Regents?

"Not every single person that comes forward on the Board of Regents is going to be as great a speaker as the other person, as great a writer as the other person, have the same items on their resume. John Kai, being a very successful small businessman, brings diversity to the board. I think his voice should be heard. More than anything else, John Kai is a very, very good man who's been put forward in a very difficult situation. I think he has come through like a gentleman, like a true gentleman. I'm

very proud to support John Kai and I urge my colleagues to do likewise.

"Thank you."

Senator Trimble rose in favor of the nominee as follows:

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

"First I'd like to acknowledge the Chairman of the Higher Education Committee, and I want to acknowledge his staff.

"Several things, and I think they're really important things for our society, happened. One, Mr. President, I believe that the Chairman of the Higher Education Committee raised the expectation, raised the bars, raised what was expected to be on the Board of Regents. There was lively discussion at the committee hearings. I want to publicly acknowledge the Chairman of the Higher Education Committee for holding a second hearing, because quite frankly, after the first one, I had grave reservations. I also liked, at the second hearing, to be able to watch the interaction between John Kai and the Chairman, and while perhaps I reached a different conclusion, I want to share with you why my level of reservations diminished.

"First of all, what I want to see on the Board of Regents is not only diverse in terms of ethnicity and in terms of geographic location, but in terms of how the regent perceives or the potential regent perceives what he adds to the board. John Kai was very humble when he said that he thought he represented the 'average Joe.'

"The second thing that the confrontation brought out to me is that John Kai was willing and able to take confrontation, to stand up under duress, and to articulate his position. So I believe that John Kai will not only add diversity and independence to the Board of Regents, but will also be able to, when important issues are discussed and emotions rise to the surface, be able to articulate and hold fast to those beliefs that he holds dear.

"The final thing that I would like to say is that I think that John Kai will be an important advocate for the university system on the Big Island, and he recognizes the importance of both the community colleges as well as UH Hilo, but he will do this in terms of the broader perspective of the university, and I think that is also positive.

"So, colleagues, I urge you to vote in support of John Kai. Thank you."

Senator Sakamoto rose to speak in opposition to the nomination and said:

"Mr. President, I rise in opposition to the motion as well in response to our Senator from Kaneohe.

"Mr. President, if people believed everything they read, we'd be in 'la-la' land. The comments in regard to what perhaps attributed to me as regarding small business are taken clearly out of context. As you well know, I am a small businessperson and very supportive of small businesses and nowhere in the conversation with Mr. Kai was there a conversation about small businesspeople, small businesspersons, the good of small businesspeople. The context was that Mr. Kai said, not in these exact words but to the effect that, the primary reason he felt he would be an asset to the board was because of his financial investment background and his ability to shape a financial investment monitoring policy for the University of Hawaii.

"In the line of questions, it was in regards to what is his background and what kind of accounts does he have? And perhaps that's where the small business part came in. And yes, I did say, there is Mr. Migita from the Bank of Hawaii, and City Bank, and ISL, and it's now Central Pacific Bank; there's Mr. Landon who traveled across the country as an auditor with Ernst & Young and now he's the head of Bank of Hawaii. So in those regards, part of the questioning related to, for Mr. Kai, in light of those other two nominees who perhaps may be appointed, that his financial investment background as related to these two top bank professionals, if perhaps, what were his comments. If they were equal, he said he could work with them. I think my comment was in comparison to people who deal with not just millions, not just five million, not just a hundred million, but in the order of the magnitude of billions. In my mind their capability in financial matters, financial investment matters, looking at fund managers who are managers of hundreds of billions of dollars, I felt that in that comparison, they compared to Mr. Kai saying that was his number one strength, he could accomplish those functions. And I questioned whether he rose to the level they rose to, not in regard to being a small businessperson, but in regard to his professed expertise of being a financial investment manager for the University of Hawaii."

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

"Mr. President, I rise in support of Gov. Msg. No. 290 for the confirmation of Mr. Kai.

"First of all, colleagues, we have an awesome responsibility when we exercise this power of advise and consent, and I know that we all take this extremely seriously. I think the hearing process is very important, and I, too, would like to thank the Chairman of Higher Education for having the second hearing, which I attended from gavel to gavel.

"I think that it is important that we examine the credentials of anyone that is before us for any board or commission or position. And I think we also should strive for the best and the brightest for any board or commission. Having said that, however, let me add a few other remarks. First and foremost, I am a graduate, a proud graduate of the University of Hawaii, Manoa. This is my school. This is my university, and so I'm very concerned. I give money to it. I try to give volunteer efforts to it, and I'm very concerned about who is involved both with the faculty and with the administration.

"My perspective is this – as was said previously in some of the remarks by the Minority Floor Leader, the community of which Mr. Kai resides was totally supportive of this individual, and they know him best. They know him better than we do and they know him better than any single or even dual hearing because he lives there; he works there; he makes contributions to the community there.

"Could there be someone better and brighter than Mr. Kai? Perhaps, but this is not a competition for a limited number of seats. If, for example, we were saying that there were only one or two positions available for the Board of Regents and we had three or four or five candidates, I would be the first to agree, let's rank them in order of priority, let's rank them on how at ease they were with the questioning of the Chairman and the sometimes obtuse issues that were brought up and all of that, and that's fair enough. But that is not the issue here. We're not talking about one or two seats. There are enough seats to go around.

"The issue that the Minority Floor Leader brought up about diversity and independence is extremely important. I don't

think we would want all high profile business or labor union leaders to make up a board of regents because that's not how our communities are made up; that's not how this Senate Body is made up.

"So basically, what we're looking for when we examine these candidates – we certainly want to see their demeanor, their temperament; we want to see how they answer questions; we want to look very carefully at their background. And there was nothing – there was nothing negative that was brought to this Committee or to this Senate Body, not even an anonymous e-mail, which we're used to here. Nothing came in the negative about this gentleman other than he should have known more about certain subjects that the Committee asked him about. And that may be true, but I found him to be honest and forthcoming. And even though the Chairman said on several occasions he doesn't mind what the position is even if the nominee disagrees with him, I don't know, some people might think he did mind, it did matter, because there were a number of areas of disagreement.

"For example, the one that has generated the most discussion, I guess, is the matter of whether or not the University of Hawaii's Hilo Campus should have degree programs, Ph.D. degree programs. I thought Mr. Kai was very direct and forthcoming. He supported it. The issue then was, if Manoa is a research campus, then all the Ph.D. programs should reside on Oahu and in Manoa. Why? Why should it? I think you can make arguments pro and con both ways, but if I were living on the Big Island and I wanted to pursue a Ph.D., the argument that Manoa is the research campus of our system and so we can't allow any Ph.D. programs here, that would resound with a dull thud with me. And I think it does with Mr. Kai's neighbors, friends, and associates.

"The other thing that is often overlooked is, if we're examining and having a hearing about someone who is about to get a large salary and a lot of perks and benefits, believe me, I'd be at the front of the line to ask really difficult questions as to whether or not this person really deserved that compensation, those fees, those benefits and all of that when the rest of the 'average Joes' in fact are struggling.

"In fact, last week we voted ourselves an additional office allowance increase. We voted ourselves additional travel allowances. We had the compensation commission give us all pay raises at the beginning of this year. Nobody got to discuss that. Our constituents didn't get to question us or to ask about that.

"The point here, though, is Mr. Kai is an unpaid volunteer. He's a volunteer. He heard the call that the University of Hawaii needs people on the Board of Regents to set policies and also to make sure that we never have a Dobbelle situation again. Because that's the responsibility of the regents – to make sure that no matter how glib a person is, no matter how his background and experience shines above all others, that first and foremost he be honest and that there be integrity and that we really do a due diligence to find out if there are any negative possibilities about that gentleman. But we're talking about an unpaid volunteer, and further we're talking about somebody who understands and committed to giving up time with his family, with his business, with his recreational pursuits, if he has any time to do that, in his own community to serve our university. That is what he wants to do.

"So, I believe that some of the criticism about him or he being compared to other people . . . and by the way, I went to the hearing this morning with the two aforementioned gentlemen – both bankers, both experts, both well trained – and I'm sure they're going to sail through here on their

confirmation, which is fine. They bring a part, also, to the Board of Regents that's necessary.

"And to my good friend, the Senator from Moanalua, let me offer this as a small business owner and a small business representative, an advocate also, I think that the perception was, in the line of questioning, that there was a diminishing of importance because this individual only deals with smaller businesses, smaller budgets and individuals, rather than large corporate clients and investment giants and union trust funds and all that. But let me tell you something, as it was said, small business, as the good Senator knows, makes up 95 percent of this State and there are more small businesses and more small individuals who need the kind of help that this nominee has given them, because otherwise they would have complained. They would have said, 'I got a raw deal. The guy doesn't know what he is talking about. He wasn't able to help me. He wasn't available. He didn't do things.' But no, they said the opposite – he has been helpful; he's been there; he's done that.

"And so, we would sit in judgement of a man like this and a community like that and from some elitist position say, 'He's just not bright enough. He's just not experienced enough. He's just not big enough. He just doesn't have the right clients. And he just doesn't know all the answers to all the questions that we possibly could think of to ask him.' I don't think that's right.

"I think that if there were reasons of lack of judgement, or lack of temperament, or moral turpitude, or anything in this gentleman's past . . . and by the way, that's why so many people don't volunteer. They don't volunteer for boards and commissions. They don't come forward because they see it as a grilling. They see it as a TV drama. They see it as having to answer every little question about themselves, their family, their business, and have a range of knowledge that I dare say many of us in this room do not possess.

"Is he willing and able to learn about these things? Yes. It is a crime to say we shouldn't allow him to be on the board and to learn then? If you're paying a person, I would say the answer is yes. But to learn on the job, to be willing to do more, to be willing to find out about more things, I think that's a positive.

"Is he independent? You bet he is. That's probably one of his faults – he's so independent, he's not well connected. He didn't have the lifelines to call upon that maybe some of the more well known nominees for different boards and commissions have. He's just a man, a father, a husband, a businessman who wanted to help our state university, and we're in a position to say he's not good enough. It's kind of like saying, 'Hey, we really like the contestants in the Ms. Kakaako contest, but have you seen the ones in Ms. Universe? Boy, are they something.'

"Let's stay focused on what we are doing. We're looking at this gentleman's character, his background, and his experience. And to me, he passed the test. To me, he's qualified. And besides, besides talking about a non-paid volunteer position, it's a two-year term. We're not putting him in for life. We're not putting him in for 10 years. We're not putting him in for . . . it's two years! Now, at the end of that time, if he has not done the things that he said that he will do, can do, and all of that, then by all means let's hold him responsible. But to deny him and deny the university community and to deny the people of the Big Island that support this gentleman, for us, I think, is wrong.

"And one final comment, Mr. President, I note that on the official committee report on page 5, I read the following: quote, 'Mr. Kai's subsequent comments as quoted in the media regarding the Committee's "loaded questions" and his

comments about establishing doctoral programs on Maui and Kauai showed a complete ignorance of board policy, fiscal responsibility, and practicality. Above all, his post-hearing behavior displayed inappropriate temperament for the position of a regent,' unquote. As I said, I was there from gavel to gavel. I saw Mr. Kai leave that hearing. He never said a word in that hearing. There was nothing to lead anybody to believe his temperament was wrong or improper or below the level of us in the Senate.

"In terms of comments that he made to the media, he answered questions and that's his belief, and that's his feeling. And now, when we were debating this whole year about free speech, we find out that free speech isn't free and that people are condemned because of their opinions and because of what they say. But did he say anything wrong about the Committee? It was his opinion that some of the questions were loaded, and I can tell you he didn't get the same kind of questions that the two nominees got this morning, which is beside the point. It should be beside the point. He didn't say anything or do anything inappropriate to show that he had a bad temperament. I think that idea is in the eyes of the beholder.

"So, I would urge my colleagues to think about all of these things, to review, to understand how important this advise and consent process is and what it's about and not to diminish the support for an individual that comes from his or her community.

"Thank you, Mr. President."

Senator Baker rose in opposition to the nomination and said:

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

"Mr. President, as I was listening to my colleague from East Honolulu, I was reminded of the phrase, 'damning by faint praise' because I think some of the testimonial that our colleague just provided does that for this nominee.

"This nominee has served on the Board of Regents in an interim capacity for 10 months. It should have been a sufficient learning curve. We expect new people coming in to need to be brought up to speed, but he's been on the job for 10 months.

"It's not just an unpaid volunteer status. That demeans the entire Board of Regents. No, they don't get a salary, but their authority, their policymaking, the tone that they set for the university, the guidance that they're going to give that enormous institution with its thousands of employees and millions and millions of dollars, their responsibility is enormous. We've entrusted the Board of Regents at the university with the shaping of much of our economy because the products that they turned out and their ability to attract faculty and grants really mean whether we're going to have a viable education industry in our State. So, the job of a regent is very, very important and we need to be looking for the best and the brightest, not somebody who's just merely 'okay.'

"When we questioned this nominee, yes, he was willing to learn; yes, he had some other fine attributes. But when we got down to the core issues of how he was going to be making decisions, what he had learned over the 10 months, we were told he had this financial experience and he had out-of-the-box thinking, but when we talked to him about how are you going help with making sure that there are resources at the university, it went back to the tried and true – we're going to raise tuition. There's nothing out-of-the-box about that. When we asked him, what's that going to mean for access for our kids here, for people who want to get an education or want to better themselves, he said, 'well, it's still a bargain.' That, to me, Mr.

President, was very telling in terms of what I thought were problems with this particular nominee.

"I don't doubt that he's a fine man, that he has wonderful attributes, that he's a good father, good husband, good provider, that he does things in the community, but when it came to his breadth of understanding the role of the regents and what they should be doing, it didn't seem to rise to the occasion.

"And so, it is with reluctance, because I think he is a nice man, that I will be voting 'no' on his confirmation."

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

"Mr. President, I speak in support of this motion.

"Unlike the Senator from Hawaii Kai, I do not share the same sentiments about how our colleagues arrive at their decision, and I very much respect everyone for their decision today.

"I also wanted to thank the Chair of Higher Education. I think he was very fair in terms of allowing us another opportunity for both Board of Regent candidates to be able to speak again before the Committee.

"What I am supportive of with Mr. Kai is I feel that he would be a strong advocate for the community college system. With the individual discussions that I've had with him and the hearing process that I was able to participate in, that was my sense about him.

"I also feel it's very important that we have a perspective of people that are working, that are going back to school and trying to make themselves better, improve their skills, and their knowledge so that they can be very productive and be able to support their families.

"Hearing from Mr. Kai about how he went to school and then had to work and went to school again, I think that reminds us and could be a reminder on the Board of Regents of who we are serving.

"So, that is why I am supportive of Mr. Kai. I think when I met with him, even his investment expertise to me is important. I know we have to have our institution be accountable. I think the Board of Regents that we are considering for confirmation soon will also lend that very important expertise.

"But again, I would like to thank the Committee for the opportunity that was given to both candidates and urge support of this nominee. Thank you."

Senator Kanno rose in opposition to the nomination and said:

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

"Mr. President, I have a philosophical disagreement with Mr. Kai's nomination. I believe that all members of the Board of Regents, with the exception of the student member, should have at least a Bachelor's degree from an accredited university.

"When former Governor George Ariyoshi opposed gambling in Hawaii, he raised the concern about what message we're sending to the young people in our State. Where we encouraged our keiki to study hard and to work hard to attain their goals, gambling sends the opposite message that you don't have to study hard or work hard to win at gambling.

"The Board of Regents governs our state's degree granting university. I ask what message is being sent by approving regents without a Bachelor's degree?"

"I urge my colleagues to vote 'no.' Thank you."

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

"Mr. President, I rise to speak in favor of the nominee John K. Kai for the Board of Regents of the University of Hawaii.

"Mr. President, I think I have to play my remarks like a Stradivarius in order to not polarize this issue politically. I will first remind all of us that our shining moments in this Legislature was when we voted our conscience and voted on the merits of the issue and not strictly along political or ideological lines.

"In my remarks I'll remind all of us that we had a wonderful debate several years ago on physician assisted suicide and never once did petty politics or labels on people's backs, Democrat or Republican, enter into the debate. We had similarly a debate on Hawaii Rx, where we did work together and came up with a wonderful piece of legislation that's going to benefit the people of Hawaii.

"Just this year, to our credit, not to our shame, we brought to the Floor a bill for prescriptive rights for physiologists, and it was debated on this Floor like healthy democracies do. And I can honestly look each one of my colleagues in the eye and say we all voted our conscience rather than our political labels, and that particular bill came out with a tie vote and failed.

"What do we know? We had a hearing process, and I don't believe there was any testimony against the nomination. I think people came down here from the Board of Regents, from different walks of life in our community and testified in favor of Mr. Kai. So, where is the resistance coming from? Is it coming from particular politicians who have an issue that they want to make or a point they want to make? I don't know, but it seems that the voting in Committee was a pretty close vote. As I recall, it was 3 to 2 not to advise and consent. So that tells me that the Majority Party has mixed feelings about this nominee. There is no testimony against him. So I want all of us to dig into our conscience and ask ourselves, where is the resistance and why? I think that in looking at that, we'll come to the conclusion that this has to do more with politics rather than good policy in advice and consenting on good people that put their names forward for public service.

"Mr. Kai is a good man. Mr. Kai has stepped forward to serve the people of the State of Hawaii with no compensation and brings to the Board of Regents a well-rounded opinion on how to run the university.

"A previous speaker mentioned that the Mr. Kai didn't have a college degree in a certain area. Well I would tell you, Mr. President, some of the greatest leaders in the history of our country have not had college degrees. In fact, I think one of our previous Governors didn't have a college degree. So I think it's not relevant to the debate here on the Floor today.

"What I do think is relevant is politics. I'm hoping, Mr. President and colleagues, that as we have done in the past and on several occasions with issues like physician assisted suicide, Hawaii Rx, psychologist's prescriptive rights, that each one of us can vote without political party considerations or without personal agendas and do what's best for the University of Hawaii and what's fair to a man who received unanimous support from every testifier at the committee hearing. I'm sure

if we do that, we will vote to advise and consent and approve Mr. John K. Kai for the Board of Regents, and I urge my colleagues to do so.

“Thank you, Mr. President.”

Senator Hee rose in opposition to the nominee and stated:

“Mr. President, before I begin, I want to thank the Committee on Higher Education for their hard work and their staff. I want to thank Senator Hogue for his nice remarks regarding the Committee, Senator Chun Oakland, and all others who have expressed some gratitude in having two committee meetings on these nominees.

“Mr. President and colleagues, John Kai is a good man. I don’t know if he’s a good father; I assume he is. I don’t know if he is a good husband; I assume he is. John Kai is a good man. He is a graduate of Honokaa High School. He’s a country boy like many of us here. He’s a local boy and he’s proud of it. His opening statement to the Committee at the first hearing was, ‘I’m a local boy.’ That means a lot to me, and I suspect it means a lot to others.

“John Kai was very honest in his disclosures. He disclosed he didn’t have a BA. He should be commended for that. He disclosed he was arrested as a college student or while in college. He disclosed that. He disclosed that as a money manager, he was fined by the FCC. That speaks to honesty. I want to ask of the members here, and Mr. Kai, who I understand is above us, that during the preceding there was a clear expectation of the Committee, and properly so, that any interim appointee should have a higher standard of sensitivity with regard to the university – a billion-dollar institution that services 80,000 students and is one of the biggest employers, that if it was a private company would be the fifth largest in the State, that is on each island with 10 campuses. This is our university for the local boys and the local girls and all others.

“It is because of that expectation and the language, upon which he has agreed to serve for the last 10 months, in our constitutional which states: ‘The board shall also have exclusive jurisdiction over the internal structure, the management, and the operation of the university,’ (article 10, section 6) that the Committee properly raised its level of expectations in responses.

“Let me clarify for the speaker from Hawaii Kai that the question with regard to the policy of the University of Hawaii at Manoa being a research institution is very different than whether or not Ph.D. programs should be on all islands. That, in itself, is an oxymoron. A research university by policy is a Cal Berkeley. It isn’t a San Luis Obispo. The administration of Manoa has grave concerns about two Ph.D. programs in Hilo. It has no concern whatsoever on the desire, but rather the policy. Myself, let me state for the record, I support the Ph.D. program in Hawaiian language at Hilo. It should be no secret to anyone on this Floor. But that question and that support is different from the policy that Manoa should be the research engine, because if that is so, Ph.D. programs would be housed at Manoa, and that Hilo and West Oahu College should be a state university and that the community colleges shall remain as community colleges in a three-tiered policy approach.

“The fact that Mr. Kai defended the Ph.D. program at Hilo warmed my heart because I agree with him in deference to the policy. The only difference is I am not a regent. Mr. Kai is the regent. So when asked to explain the policy, it gave him an opportunity to distinguish the difference between a research university and a state university, regardless whether we may agree or disagree.

“Mr. Kai said in both hearings that Hilo is fine. I disagree, but that doesn’t mean I’m right and he’s wrong – it means we disagree. Mr. Kai said that the CIP in clarification is fine, not the operational budget. I disagree, but that doesn’t make me right; it makes me different.

“This is a toilet at Hawaii Community College. (Senator Hee displays several pictures.) I don’t want to sit on this toilet. This is a toilet. This is a rotted roof at Hawaii Community College. These are rusted gutters at the community college. This is a downspout that does not connect to the gutters at the community college. These are foundation beams that don’t touch the ground at the community college. So, I disagree with the regent that Hawaii Community College is fine. That doesn’t make me right; that makes me different. But if these are examples of what is fine from the position of a regent, in deference to the regent, I disagree.

“Members, one of the most difficult jobs in the Senate is advice and consent. There have been over 200 nominees this year that we have advised and consented upon. I have voted for every one of them except one. Most of the time, those that don’t meet the standard of the Chair asks that the name be withdrawn, and most of the time it is. This morning in the Committee on Judiciary, two names were withdrawn at the request of the Chair. Unfortunately, one was withdrawn only after the Committee voted not to confirm. Subsequently, it was withdrawn.

“The chief of staff for the Governor called me on a matter subsequent to the Committee’s unfavorable rating on the nominee. They had chosen not to withdraw. I asked the chief of staff to the Governor to ask the nominee to withdraw. I respect the Governor and the nominee’s desire to put it to the Floor.

“Given all that has gone on, given the opportunities extended to both Dr. de la Pena and Mr. Kai, and given the patience and understanding of the members of the Committee on Higher Education, and indeed even you, Mr. President, it is with regret but, nonetheless, with full conviction that I will vote ‘no,’ and I ask that all of you consider the same.

“Thank you, Mr. President.”

Senator Trimble rose in rebuttal as follows:

“Mr. President, I rise in brief rebuttal.

“Colleagues, these are the committee reports that came out of the hearing. I was at the hearing and I do not believe that they accurately reflect what transpired. Fortunately, the proceedings were televised and perhaps if you can’t see a copy of it before you vote, at least review the differences between the committee report and what actually transpired, because the media has had ample opportunity to compare the two.

“Three things are worth mentioning. At one point in the dialogue between the Chair of Higher Education and John Kai, there was an assertion that during John Kai’s watch, he approved the sabbatical of certain people at the University of Hawaii. John Kai asked the Chair directly, ‘Are you talking about teachers or administrators?’ No direct answer to that question was given.

“Second, relating to whether the University of Hawaii, Manoa, is the research engine for the system does not preclude having a Ph.D. program in a particular area at UH Hilo. The assertion that it would be money foolish to do so fails to recognize how the world has changed in the last 30 years. No

one will assert that you should duplicate engineering or physical science programs at the neighbor island, but the cost structure for physical sciences and liberal arts are very different. And now that we have the Internet as a method of communicating all over the world and as a way of doing research, there is no longer the same necessity to have access to a major library.

“The third thing worth noting is that we want individuals who are able to think independently. I do not view John Kai’s disagreement with the board of regents’ policy as an inconsistency. I viewed it as an open expression of his beliefs that perhaps is a little bit ahead of his time.

“Thank you, Mr. President.”

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, 10. Noes, 15 (Baker, Bunda, English, Fukunaga, Hanabusa, Hee, Hooser, Ige, Kanno, Kim, Menor, Nishihara, Sakamoto, Taniguchi, Tsutsui).

At 12:54 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:55 o’clock p.m.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM WEDNESDAY, APRIL 20, 2005

Stand. Com. Rep. No. 1731 (S.R. No. 83, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 83, S.D. 1, entitled: “SENATE RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO REVIEW AND UPDATE ITS ADMINISTRATIVE RULES REGARDING THE SAFE USE OF COMMERCIAL HARBORS BY LARGE VESSELS, AND TO REQUIRE, AS APPROPRIATE TO THE INDIVIDUAL HARBOR, THE USE OF AT LEAST ONE ASSIST TUG FOR ALL SHIPS SIX HUNDRED FEET IN LENGTH OR MORE,” was adopted.

Stand. Com. Rep. No. 1747 (H.C.R. No. 4, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 4, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO INVESTIGATE THE ADVISABILITY OF ENTERING INTO INTERSTATE COMPACTS WITH OTHER STATES CONCERNING CERTAIN PERILS AFFECTING THE COST OF PROPERTY AND CASUALTY INSURANCE,” was adopted.

Stand. Com. Rep. No. 1754 (H.C.R. No. 282):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 282, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO CREATE POLICIES THAT ALLOW THE DEPARTMENT OF EDUCATION TO GRANT SCHOOL CREDIT TO THE STUDENT MEMBER OF THE BOARD OF EDUCATION,” was adopted.

Stand. Com. Rep. No. 1756 (H.C.R. No. 245, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and 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 adopted.

Stand. Com. Rep. No. 1757 (H.C.R. No. 249, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 249, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO SUPPORT LEGISLATION CONFERRING VETERANS’ BENEFITS ON FILIPINO WORLD WAR II VETERANS,” was adopted.

Stand. Com. Rep. No. 1758 (H.C.R. No. 246, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 246, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION ENCOURAGING THE UNITED STATES POSTMASTER GENERAL TO ISSUE A USS ARIZONA MEMORIAL STAMP,” was adopted.

Stand. Com. Rep. No. 1759 (H.C.R. No. 208, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 208, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES CONGRESS, AND THE UNITED STATES DEPARTMENT OF EDUCATION TO CONTINUE FUNDING FOR THE EVEN START FAMILY LITERACY PROGRAM,” was adopted.

ADOPTION OF RESOLUTIONS

H.C.R. No. 166, H.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 166, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE CENTER FOR SMART BUILDING AND COMMUNITY DESIGN TO DEVELOP ENERGY EFFICIENT DESIGN AND PERFORMANCE STANDARDS FOR NEW CONSTRUCTION, RENOVATION, AND RETROFITTING OF BUILDINGS THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM,” was adopted.

H.C.R. No. 195, H.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 195, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION ADOPTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES,” was adopted with Senator Slom voting “No.”

RE-REFERRAL OF GOVERNOR’S MESSAGES

The Chair re-referred the following governor’s messages that were received:

Governor's Message Referred to:
 No. 673 Committee on Energy, Environment, and International Affairs
 No. 674 Committee on Energy, Environment, and International Affairs
 No. 675 Committee on Energy, Environment, and International Affairs
 No. 676 Committee on Energy, Environment, and International Affairs
 No. 677 Committee on Energy, Environment, and International Affairs

"His professional expertise and community dedication has garnered Dr. de la Pena broad support for his appointment to this position:

The University of Hawaii Professional Assembly writes that Dr. de la Pena can add 'important elements to the diversity of the Board of Regents,' because he both brings 'an academic perspective as a result of his long tenure as a member of the UH faculty,' and also 'conducted his research in Agronomy on the Island of Kauai.'

Former Kauai Planning Director Dee Crowell praised Dr. de la Pena's abilities and service on the Kauai Planning Commission.

Dr. Arnulfo Diaz, president of the Wilcox Hospital Medical Staff, characterizes Dr. de la Pena as 'a man of accomplishments, admirable, honest, diligent, dependable, self-motivated and proficient.'

The Kauai Filipino Chamber of Commerce reports that Dr. de la Pena has 'served the community of Kauai with a passion of commitment.'

Kauai County Council member Mel Rapozo says that Dr. de la Pena 'is a figure of inspiration for many of us here on Kauai.'

"To all those voices, and the many others who have testified in favor of Dr. Ramon de la Pena to the University of Hawaii Board of Regents, I add my own wholehearted support."

Senator Kanno, Chair of the Committee on Labor, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.C.R. Nos. 265 and 270.

Senator Kanno noted:

"Mr. President, H.C.R. No. 265, H.D. 1, requests the Department of Human Resources Development to reinstate the social worker series in its classification and compensation plan.

"H.C.R. No. 270, H.D. 1, requests a report on civil service exempt positions in each employing state jurisdiction."

The Chair then granted the waiver.

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

The Chair re-referred the following House concurrent resolution that was received:

House Concurrent Resolution Referred to:
 No. 40, H.D. 1 Jointly to the Committee on Health and the Committee on Human Services

Senator Hooser rose at this time and stated:

"Mr. President, I was moving a little slow on the vote on Gov. Msg. No. 289 and it went by faster than I had hoped. I wonder if I could have a belated approval to insert comments into the Journal in support?"

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

"Mr. President, I wish to speak on Gov. Msg. No. 289, nominating Ramon S. de la Pena, Ph.D. to the University of Hawaii Board of Regents. As the Senator who represents District 7, Kauai and Niihau, it is a great pleasure for me to speak in support of this nomination.

"Dr. de la Pena was born in the Philippines. He received his Bachelor of Science degree from the University of the Philippines, and his Master's and Ph.D. from the University of Hawaii at Manoa.

"Dr. de la Pena has spent his entire professional career—more than 40 years—in public service, both as a faculty member at UH-Manoa and researcher in Agronomy on Kauai, and as a former Director of Economic Development for the County of Kauai. As an agronomist, Dr. de la Pena has devoted himself to improving farmers' productivity, particularly in taro production. In a letter of endorsement, Kauai's Office of Hawaiian Affairs Trustee, Donald Cataluna, described Dr. de la Pena as 'the foremost expert in taro culture.'

"Dr. de la Pena is also one of Kauai's foremost citizens, dedicated to community service. He currently serves on the Wilcox Memorial Hospital Board of Directors, the Kauai County Charter Review Commission, the Kauai Filipino Chamber of Commerce Board of Directors, and the Lihue Airport Gateway Project.

APPOINTMENT OF CONFEREES

S.B. No. 118, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 118, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Menor, co-chair; Chun Oakland, Ige, Whalen as managers on the part of the Senate at such conference.

S.B. No. 440, S.D. 1 (H.D. 1):

The President appointed Senator Taniguchi as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 440, S.D. 1.

S.B. No. 667, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 667, S.D. 2, and the request for a conference on the subject matter thereof,

the President appointed Senators Hee, chair; Taniguchi, Slom as managers on the part of the Senate at such conference.

Respectfully submitted,

S.B. No. 751, S.D. 2 (H.D. 2):

The President appointed Senator Kanno as an additional co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 751, S.D. 2.

Clerk of the Senate

S.B. No. 1257, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1257, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Hanabusa, co-chair; Baker, Hooser, Sakamoto, Whalen as managers on the part of the Senate at such conference.

Approved:

President of the Senate

S.B. No. 1747, S.D. 2 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1747, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Hee, chair; Taniguchi, co-chair; Trimble as managers on the part of the Senate at such conference.

H.B. No. 320, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 320, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; English, Hee, Whalen as managers on the part of the Senate at such conference.

H.B. No. 806, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 806, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Hanabusa, chair; Hee, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1465 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1465, and the request for a conference on the subject matter thereof, the President appointed Senators Baker, chair; Taniguchi, co-chair; Inouye as managers on the part of the Senate at such conference.

H.B. No. 1747, H.D. 1 (S.D. 1):

The President appointed Senator Taniguchi as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1747, H.D. 1.

ADJOURNMENT

At 12:57 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 22, 2005.