

FIFTY-THIRD DAY

Friday, April 22, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Mari Gabrielson, after which the Roll was called showing all Senators present.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 829, advising the Senate of the withdrawal of the nomination of CLARENCE DE LUDE to the Island Burial Council, Island of Oahu, under Gov. Msg. No. 603, dated April 11, 2005, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 829, the nomination listed under Gov. Msg. No. 603 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 683 to 686) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 683, returning S.C.R. No. 20, which was adopted by the House of Representatives on April 21, 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.C.R. No. 20 and requested a conference on the subject matter thereof.

Hse. Com. No. 684, returning S.C.R. No. 196, which was adopted by the House of Representatives on April 21, 2005, was placed on file.

Hse. Com. No. 685, informing the Senate that the Speaker on April 21, 2005, appointed conferees on the part of the House for the consideration of amendments proposed by the Senate to the following House bill:

H.B. No. 1666, H.D. 1 (S.D. 1):

Representatives Takamine, Caldwell, Ito, Arakaki, co-chairs; Nakasone,

was placed on file.

Hse. Com. No. 686, informing the Senate that the Speaker on April 22, 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. 1888, S.D. 1 (H.D. 1):

Representatives Caldwell, Takamine, co-chairs.

S.B. No. 1889, S.D. 1 (H.D. 2):

Representatives Caldwell, Takamine, co-chairs; Halford,

was placed on file.

JUDICIARY COMMUNICATION

Jud. Com. No. 2, submitting for consideration and consent, the nomination of JENNIFER L. CHING to the Office of Judge, District (Family) Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of six years, was read by the Clerk and was referred to the Committee on Judiciary and Hawaiian Affairs.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1774) recommending that the Senate advise and consent to the nomination of RICHARD M. MERSCHDORF to the State Highway Safety Council, in accordance with Gov. Msg. No. 582.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1774 and Gov. Msg. No. 582 was deferred until Monday, April 25, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 1775) recommending that the Senate advise and consent to the nomination of JAMES S. GUEQUIERRE to the Hawaii Historic Places Review Board, in accordance with Gov. Msg. No. 476.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1775 and Gov. Msg. No. 476 was deferred until Monday, April 25, 2005.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 1776) recommending that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

SANDRA ALBANO, in accordance with Gov. Msg. No. 391; and

BINA MOSSMAN CHUN, in accordance with Gov. Msg. No. 447.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1776 and Gov. Msg. Nos. 391 and 447 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1777) recommending that the Senate advise and consent to the nomination of JONATHAN WAI YUN LAI to the Hawaii Community Development Authority (HCDA), in accordance with Gov. Msg. No. 138.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1777 and Gov. Msg. No. 138 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1778) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Agribusiness Development Corporation of the following:

YUKIO KITAGAWA, in accordance with Gov. Msg. No. 555;

WAYNE K. KATAYAMA, in accordance with Gov. Msg. No. 556;

ROBERT V. OSGOOD, in accordance with Gov. Msg. No. 557;

TEENA M. RASMUSSEN, in accordance with Gov. Msg. No. 558;

ROBERT S. SUTHERLAND, in accordance with Gov. Msg. No. 559; and

ERIC D. WEINERT, in accordance with Gov. Msg. No. 560.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1778 and Gov. Msg. Nos. 555, 556, 557, 558, 559 and 560 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1779) recommending that the Senate advise and consent to the nomination of ROBERT D. HAUFF to the Advisory Committee on Pesticides, in accordance with Gov. Msg. No. 649.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1779 and Gov. Msg. No. 649 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1780) recommending that H.C.R. No. 88, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1780 and H.C.R. No. 88, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES CONSIDER IMPOSING RESTRICTIONS ON PUBLIC ACCESS TO THE AHIHI-KINAU NATURAL AREA RESERVE," was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1781) recommending that H.C.R. No. 267, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1781 and H.C.R. No. 267, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE HOUSE COMMITTEE ON WATER, LAND, AND OCEAN RESOURCES AND THE SENATE COMMITTEE ON WATER, LAND, AND AGRICULTURE, TOGETHER WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO CONDUCT COMMUNITY MEETINGS THROUGHOUT THE STATE TO SEEK PUBLIC PARTICIPATION TOWARDS ENSURING THE VIABILITY OF HAWAII'S MARINE RESOURCES NOW AND FOR FUTURE GENERATIONS," was deferred until Monday, April 25, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1782) recommending that H.C.R. No. 10, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1782 and H.C.R. No. 10, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EMERGENCY CONTRACEPTION INTERAGENCY WORK GROUP TO DEVELOP A MECHANISM TO EFFECTIVELY

DISSEMINATE INFORMATION ON THE AVAILABILITY OF OVER-THE-COUNTER EMERGENCY CONTRACEPTION IN THE STATE," was deferred until Monday, April 25, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1783) recommending that H.C.R. No. 67, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1783 and H.C.R. No. 67, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF ATHLETIC HEALTH CARE TRAINERS," was deferred until Monday, April 25, 2005.

Senators Baker and Fukunaga, for the Committee on Health and the Committee on Media, Arts, Science and Technology, presented a joint report (Stand. Com. Rep. No. 1784) recommending that H.C.R. No. 100, H.D. 1, as amended in S.D. 1, be referred to the Committee on Judiciary and Hawaiian Affairs.

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 100, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII," was referred to the Committee on Judiciary and Hawaiian Affairs.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1785) recommending that H.C.R. No. 109, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1785 and H.C.R. No. 109, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII HEALTH SYSTEMS CORPORATION TO ESTABLISH URGENT CHILD AND ADOLESCENT PSYCHIATRIC SERVICES AT MAUI MEMORIAL MEDICAL CENTER IN THE FORM OF CRISIS STABILIZATION SERVICES," was deferred until Monday, April 25, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1786) recommending that H.C.R. No. 222, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1786 and H.C.R. No. 222, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ACTIVELY WORK WITH THE RESIDENTS IN UPCOUNTRY MAUI TO ADDRESS THEIR CONCERNS AND TO REVIEW THE DEPARTMENT'S WATER QUALITY STANDARDS AND PRACTICES IN LIGHT OF CONTINUING CONCERNS REGARDING DETERIORATING WATER QUALITY IN UPCOUNTRY MAUI," was deferred until Monday, April 25, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1787) recommending that H.C.R. No. 229, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1787 and H.C.R. No. 229, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO COORDINATE STUDIES, WITH THE ASSISTANCE OF THE DEPARTMENT OF HEALTH, TO EVALUATE THE IMPACT OF THE PHYSICIAN 'ON-CALL' CRISIS ON THE

QUEEN'S MEDICAL CENTER TRAUMA CENTER TO PROVIDE EMERGENCY MEDICAL SERVICES IN THE STATE OF HAWAII, AND TO RECOMMEND ANY APPROPRIATE GOVERNMENT AND PRIVATE SECTOR RESPONSES TO THE ON-CALL CRISIS TO ENSURE CONTINUED ACCESS TO TRAUMA LEVEL CARE," was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1788) recommending that the Senate advise and consent to the nomination of SARA BANKS to the Civil Rights Commission, in accordance with Gov. Msg. No. 433.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1788 and Gov. Msg. No. 433 was deferred until Monday, April 25, 2005.

Senators Hanabusa and Kokubun, for the Committee on Judiciary and Hawaiian Affairs and the Committee on Water, Land, and Agriculture, presented a joint report (Stand. Com. Rep. No. 1789) recommending that the Senate advise and consent to the nominations to the Kahoolawe Island Reserve Commission of the following:

NOA EMMETT ALULI, in accordance with Gov. Msg. No. 478;

MILTON M. ARAKAWA, in accordance with Gov. Msg. No. 479; and

JOHN D. WAIHEE IV, in accordance with Gov. Msg. No. 480.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1789 and Gov. Msg. Nos. 478, 479 and 480 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1790) recommending that the Senate advise and consent to the nomination of LANI LIU EWART to the Commission to Promote Uniform Legislation, in accordance with Gov. Msg. No. 522.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1790 and Gov. Msg. No. 522 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1791) recommending that the Senate advise and consent to the nominations to the Commission to Promote Uniform Legislation of the following:

PETER J. HAMASAKI, in accordance with Gov. Msg. No. 523; and

KEVIN P. H. SUMIDA, in accordance with Gov. Msg. No. 524.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1791 and Gov. Msg. Nos. 523 and 524 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1792) recommending that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

MONA M. CHANG VIERRA ED.D., in accordance with Gov. Msg. No. 531; and

CAROL ANNE PHILIPS, in accordance with Gov. Msg. No. 532.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1792 and Gov. Msg. Nos. 531 and 532 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1793) recommending that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

JANET K. KUWAHARA, in accordance with Gov. Msg. No. 566; and

REBECCA S. WARD, in accordance with Gov. Msg. No. 567.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1793 and Gov. Msg. Nos. 566 and 567 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1794) recommending that the Senate advise and consent to the nomination of STUART K. HANCHETT to the Hawaiian Homes Commission, in accordance with Gov. Msg. No. 576.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1794 and Gov. Msg. No. 576 was deferred until Monday, April 25, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1795) recommending that the Senate advise and consent to the nomination of DAVID R. MARSHALL to the Commission on Transportation, in accordance with Gov. Msg. No. 669.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1795 and Gov. Msg. No. 669 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1796) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Kauai and Niihau of the following:

MARK S. HUBBARD SPHR, in accordance with Gov. Msg. No. 612;

D. LA FRANCE KAPAKA-ARBOLEDA, in accordance with Gov. Msg. No. 613;

JOHN A. P. KRUSE, in accordance with Gov. Msg. No. 614;

SANDRA P. QUINSAAT, in accordance with Gov. Msg. No. 615;

LEIANA P. ROBINSON, in accordance with Gov. Msg. No. 616; and

PRESLEY V. WANN, in accordance with Gov. Msg. No. 617.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1796 and Gov. Msg. Nos. 612, 613, 614, 615, 616 and 617 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1797) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lanai of the following:

SCOTT FISHER, in accordance with Gov. Msg. No. 618;

WILLIAM C. FRAMPTON, in accordance with Gov. Msg. No. 619;

DANA MOMILANI NAONE HALL, in accordance with Gov. Msg. No. 620;

EDWARD HOAPILII KAAHUI, in accordance with Gov. Msg. No. 621;

KEMA L. KANAKAOLE, in accordance with Gov. Msg. No. 622;

KEEAMOKU J. KAPU, in accordance with Gov. Msg. No. 623;

LESLIE A. KULOLOIO, in accordance with Gov. Msg. No. 624; and

CLOTHILDA PUALANI PAOA, in accordance with Gov. Msg. No. 625.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1797 and Gov. Msg. Nos. 618, 619, 620, 621, 622, 623, 624 and 625 was deferred until Monday, April 25, 2005.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1798) recommending that the Senate advise and consent to the nomination of LEON D. YOSHIDA to the Board of Directors of the Hawaii Tourism Authority, in accordance with Gov. Msg. No. 550.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1798 and Gov. Msg. No. 550 was deferred until Monday, April 25, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1799) recommending that the Senate advise and consent to the nomination of VIT U. PATEL MD to the Medical Advisory Board, in accordance with Gov. Msg. No. 633.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1799 and Gov. Msg. No. 633 was deferred until Monday, April 25, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1800) recommending that the Senate advise and consent to the nomination of THOMAS I. NAKAMA to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 639.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1800 and Gov. Msg. No. 639 was deferred until Monday, April 25, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1801) recommending that the Senate advise and consent to

the nomination of BARRY F. LUTERMAN PH.D. to the Board of Speech Pathology and Audiology, in accordance with Gov. Msg. No. 658.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1801 and Gov. Msg. No. 658 was deferred until Monday, April 25, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1802) recommending that the Senate advise and consent to the nomination of DANTE P. BUERANO JR. to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 647.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1802 and Gov. Msg. No. 647 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1803) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Molokai of the following:

LANCE M. DUNBAR, in accordance with Gov. Msg. No. 598;

PEARL A. HODGINS, in accordance with Gov. Msg. No. 599;

WILLIAM K. MALO, in accordance with Gov. Msg. No. 601; and

GEORGE 'KEOKI' E. PESCAIA, in accordance with Gov. Msg. No. 602.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1803 and Gov. Msg. Nos. 598, 599, 601 and 602 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1804) recommending that the Senate advise and consent to the nominations to the Hawaii Community Development Authority (HCDA) of the following:

KAY M. MUKAIGAWA, in accordance with Gov. Msg. No. 442; and

GRADY L. CHUN, in accordance with Gov. Msg. No. 562.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1804 and Gov. Msg. Nos. 442 and 562 was deferred until Monday, April 25, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1805) recommending that H.C.R. No. 5, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1805 and H.C.R. No. 5, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' DIVISION OF STATE PARKS TO ESTABLISH A SOUTH KONA-KA'U COASTAL CONSERVATION TASK FORCE," was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No.

1806) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Hawaii of the following:

ANNA CARIAGA, in accordance with Gov. Msg. No. 585;

RONALD N. M. DELA CRUZ, in accordance with Gov. Msg. No. 586;

LENINGRAD ELARIONOFF, in accordance with Gov. Msg. No. 587;

ROY HELBUSH, in accordance with Gov. Msg. No. 589;

JACQUI L. HOOVER, in accordance with Gov. Msg. No. 590;

KU KAHAKALAU PHD, in accordance with Gov. Msg. No. 591;

MELVYN KALEO KUALII, in accordance with Gov. Msg. No. 592;

CYNTHIA NAZARA, in accordance with Gov. Msg. No. 593;

DUTCHIE K. SAFFREY, in accordance with Gov. Msg. No. 594; and

CHARLES KUI HIN YOUNG, in accordance with Gov. Msg. No. 595.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1806 and Gov. Msg. Nos. 585, 586, 587, 589, 590, 591, 592, 593, 594 and 595 was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1807) recommending that H.C.R. No. 294, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1807 and H.C.R. No. 294, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF EXISTING STUDIES AND STATISTICS ON THE CAUSAL RELATIONSHIP BETWEEN WIRELESS TELEPHONE USE WHILE OPERATING A MOTOR VEHICLE AND INCREASED MOTOR VEHICLE-RELATED ACCIDENTS," was deferred until Monday, April 25, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1808) recommending that H.C.R. No. 56, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1808 and H.C.R. No. 56, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PASSAGE OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT (THE 'AKAKA BILL')," was deferred until Monday, April 25, 2005.

At 11:50 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.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1763 (Gov. Msg. No. 564):

Senator Espero moved that Stand. Com. Rep. No. 1763 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 DAVID FUERTES 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, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1764 (Gov. Msg. Nos. 656 and 657):

Senator Espero moved that Stand. Com. Rep. No. 1764 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 SHARON L. PANG to the Small Business Regulatory Review Board, terms to expire June 30, 2005 and 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, 24. Noes, none. Excused, 1 (Taniguchi).

Stand. Com. Rep. No. 1765 (Gov. Msg. Nos. 280, 281 and 282):

Senator Sakamoto moved that Stand. Com. Rep. No. 1765 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 Hawaii Teacher Standards Board of the following:

JONATHAN GILLENLINE, term to expire June 30, 2007 (Gov. Msg. No. 280);

CAROL SEIELSTAD, term to expire June 30, 2007 (Gov. Msg. No. 281); and

JULIE K. TOMOMITSU, term to expire June 30, 2007 (Gov. Msg. No. 282),

seconded by Senator Hooser.

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

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

Stand. Com. Rep. No. 1767 (Gov. Msg. Nos. 574 and 575):

Senator Menor moved that Stand. Com. Rep. No. 1767 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 Electricians and Plumbers of the following:

DEAN D. CHOY, term to expire June 30, 2009 (Gov. Msg. No. 574); and

MAURICE F. TORIGOE, term to expire June 30, 2009 (Gov. Msg. No. 575),

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 (Taniguchi).

Stand. Com. Rep. No. 1768 (Gov. Msg. No. 565):

Senator Menor moved that Stand. Com. Rep. No. 1768 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 GARY S. FUKUROKU to the Credit Union Advisory Board, term to expire June 30, 2009, 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 (Taniguchi).

Stand. Com. Rep. No. 1769 (Gov. Msg. No. 561):

Senator Menor moved that Stand. Com. Rep. No. 1769 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 NARIYOSHI HIRAOKA to the State Board of Chiropractic Examiners, term to expire June 30, 2009, 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 (Taniguchi).

Stand. Com. Rep. No. 1770 (Gov. Msg. Nos. 569, 570 and 571):

Senator Menor moved that Stand. Com. Rep. No. 1770 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 Dental Examiners of the following:

DANIEL F. FUJII DDS, MPH, term to expire June 30, 2009 (Gov. Msg. No. 569);

MARIAN J. GREY, term to expire June 30, 2009 (Gov. Msg. No. 570); and

CHERYL M. NAKAGAWA, term to expire June 30, 2009 (Gov. Msg. No. 571),

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 (Taniguchi).

Stand. Com. Rep. No. 1771 (Gov. Msg. No. 583):

By unanimous consent, action on Stand. Com. Rep. No. 1771 and Gov. Msg. No. 583 was deferred until Monday, April 25, 2005.

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

The Senate reconvened at 12:02 o'clock p.m.

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 21, 2005

Stand. Com. Rep. No. 1766 (S.R. No. 33, S.D. 1):

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

Stand. Com. Rep. No. 1772 (H.C.R. No. 113):

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

Stand. Com. Rep. No. 1773 (H.C.R. No. 273, 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. 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 adopted.

THIRD READING

Stand. Com. Rep. No. 1760 (H.B. No. 555):

On motion by Senator Taniguchi, seconded by Senator Tsutsui and carried, Stand. Com. Rep. No. 1760 was adopted and H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

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

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

House
Concurrent
Resolution Referred to:

No. 200, H.D. 1 Committee on Water, Land, and
Agriculture

RECONSIDERATION OF ACTION TAKEN

S.B. No. 1256 (H.D. 1):

Senator Hee moved that the Senate reconsider its action taken on April 14, 2005, in disagreeing to the amendments proposed by the House to S.B. No. 1256, seconded by Senator Hanabusa and carried.

Senator Hee moved that the Senate agree to the amendments proposed by the House to S.B. No. 1256, seconded by Senator Hanabusa.

Senator Hee noted:

“Mr. President, in discussion with the House, we agreed that substantively the language of the House met the motivation by the Senate on the bill. So, that’s the reason we are agreeing to the House version.

“Thank you, Mr. President.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1256, and S.B. No. 1256, H.D. 1, entitled: “A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS,” was placed on the calendar for Final Reading on Monday, April 25, 2005.

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

The Senate reconvened at 12:05 o’clock p.m.

Senator Taniguchi, Chair of the Committee on Ways and Means, requested that the referrals of H.C.R. Nos. 146 and 213 to the Committee on Ways and Means be waived.

Senator Taniguchi noted:

“Mr. President, H.C.R. No. 146, H.D. 1, is requesting a study on bioprospecting.

“H.C.R. No. 213, requests a systemwide financial audit of the University of Hawai’i system.

“We are requesting this waiver because of time considerations.”

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Monday, April 25, 2005:

H.C.R. No. 146, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING”; and

H.C.R. No. 213, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMWIDE

FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM.”

Senator Hanabusa, Chair of the Committee on Judiciary and Hawaiian Affairs, requested that the referral of H.C.R. No. 100 to the Committee on Judiciary and Hawaiian Affairs be waived.

Senator Hanabusa noted:

“Mr. President, H.C.R. 100, H.D. 1, S.D. 1, is requesting a study and recommendations relating to the feasibility of stem cell research for Hawaii. The reason for the waiver is time considerations.”

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Monday, April 25, 2005:

H.C.R. No. 100, H.D. 1, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY AND RECOMMENDATIONS RELATING TO THE FEASIBILITY OF STEM CELL RESEARCH FOR HAWAII.”

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

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

“Mr. President, I want the record to reflect that I’m speaking on behalf of your Loyal Opposition, the Senate Minority, but before I speak on their behalf, I want to add a personal comment.

“Last year, I voted, along with a few of my colleagues, against ethics training. In the course of that speech, I reiterated that all the training in the world would not necessarily result in ethics and it was an insult to be trained in something like ethics. It’s certainly something that we should have within our own character for the privilege of being elected to this Body.

“We had our ethics training, Mr. President, and since then we’ve had two of the most egregious, in our opinion, episodes of incredibly unethical behavior. One we’ve spoken of already – and that’s a Committee Chairman extorting or attempting to extort a private company with the threat of legislative retaliation if they did not do what the Chairman of the Committee wanted them to do. Now we have the Chairman of the Higher Education Committee having one of his operatives put on the desk of a person having a hearing for advise and consent to the Board of Regents, fundraising tickets.

“Even the Honolulu Star-Bulletin recognized the impropriety of this, and the Senator involved admitted it was wrong and accepts full responsibility for the coercion. But, Mr. President, as the editorial says, unless there is recompense for this, it is all for naught. Your Senate Minority is asking for the resignation of that Chairman from the Higher Education Committee until such time that these issues can be resolved. We think the public deserves better.

“We also want to let the Majority Party know that this reflects on the integrity of the entire Senate. Oftentimes, people don’t make the distinction that the Majority Party or the Minority Party did this or that, it’s that the Legislature did it or the Senators did it.

“For our own protection in the future, Mr. Chairman, I would suggest, since you have jurisdiction of these affairs, that you

look at the Senate Rules and we start doing what one of your colleagues called for us to do quite awhile back – and that is to stop having fundraising events during the Legislative Session. We all tell our constituents how busy we are in the final week or two of the legislative process and yet there's enough time to have a fundraising event. If nothing else, there's the appearance of coercion to buy the tickets.

"There is another practice, and that is having people on loan to work in certain Legislator's offices. How, in good consciousness, can you avoid a conflict or the appearance of conflict if you are the Chairman of the Higher Education Committee and have on loan from the University of Hawaii a very liberal, political activist in the department, the very one that puts the fundraising tickets in front of someone being heard for advise and consent to the Senate.

"Senate President Bunda, I realize you have a caucus full of strong-willed individual people that you have to deal with, but we're talking about more than just the interest of the Majority Party – we're talking about the integrity of the Senate. And to this entire process, in light of the fact that nothing has been done by the Majority Party in our prior request regarding the Chairman of the Labor Committee and then this pops up, we'd like to plead with the Majority Party to address these issues. The people of Hawaii deserve better.

"Thank you, Mr. President."

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

"Mr. President, I rise on a point of personal privilege, which is a very unusual event for me, as you know.

"Mr. President, it is unfortunate, I believe, that your Loyal Minority, as they call themselves, has decided to politicize this and to do what they have done. There are complaints, I guess, that have been filed or threatened to be filed and that has to work its way through the process. But, Mr. President, I do not recall any Democrats, since this has become a partisan issue, any Democrats standing up when the Governor was found to have violated ethics when she ran CARE out of her office because she used state facilities and I also believe did not create the appropriate PAC filings because of the fact that it was there to effect the ballot issue. We had the apologies. We had everyone saying, whatever. But Mr. President, none of us stood up and said, that person should resign from office because they abused that office, but that was the determination by the Ethics Commission.

"What we are talking about here is not something that is determined. We were talking about mere allegations, which may or may not be sustained, Mr. President, but I believe your position has been we'll wait to see what that process determines. And at that point in time, you, Mr. President, and your leadership will decide what would be the next appropriate step to take.

"Mr. President, to stand up now without something determined or a finding actually made I think is completely inappropriate, and that is why I am taking this very unusual step of standing up on a point of personal privilege because even with the Governor, though be it they found her in violation and she of course immediately said she would correct it, we were able to accept that. So, I find it difficult that your Loyal Minority across the way finds that that is also not a process that can be afforded to their colleagues as well. I would assume that is something that if we are able to afford others . . . or maybe there's just a plain dual standard and maybe that's what should

be conceded here, but there is no finding as of yet on those points.

"So, I believe that at best it's premature or possibly it's just absolute and the ultimate form of grandstanding because you have a political issue before you right now. But when we have sat here, waited for the explanation, and waited for the determination, and in essence accepted the appropriate apology at the end, Mr. President, I think that the statement from the prior speaker is inappropriate, but he has an absolute right to do so as I have an absolute right to retort what he has said.

"Thank you, Mr. President."

Senator Hemmings rose again on a point of personal privilege and said:

"Mr. President, point of personal privilege and rebuttal:

"I'm very pleased that the illustrious Senator from Waianae saw fit to attempt to defend the ethics problems in the Majority Party Caucus. I'd like to remind the good Senator, it's not me that's grandstanding this issue, it's the Honolulu Star-Bulletin, among others, plus a great number of constituents from around this State, probably including your district, who are fed up with this whole issue.

"I didn't ask anybody to resign from office. I think that's up to the voters of each district to determine who shall serve them and whether or not they're ethical or not. I asked the person to resign from Chairmanship of a Committee that controls the destiny of the University of Hawaii, and in the instance of the other Chairman, the one who controls the destiny of businesses and the labor that works in those businesses for the outright conflict of interest.

"I'd like to suggest to the good Senator from Waianae that the only thing that's been stonewalled and grandstanded around here is the Majority Party's ability to come to grips with these issues.

"We, in good consciousness, have written a letter requesting a copy of the letter that was sent on the NCL issue and have not received a reply. We did not evoke Rule 72 in hoping the Majority Party would recognize our concerns. The good Senator should recognize that when there are accusations and evidence of improprieties, even in the police department and law enforcement agencies, people who have been challenged step aside until it's been rectified. Besides the Majority Party making no attempt that we have seen to rectify these situations that appear to be highly unethical, the people of Hawaii sit by wondering why. Our job is not to be complacent with this type of duty, and I want to thank the good Senator from Waianae for standing up and underscoring our concern. If you want to call it grandstanding, be my guest.

"I was incensed last year when someone on this Floor stood up and said we need ethics training because of the Governor. In fact if you recall, I did attempt to read a very partisan list of people who have been indicted and gone to jail for illegal behavior or have been censured for unethical behavior, but I got gavelled down. So why don't we exercise free speech and why don't we go head to head on this issue – be my guest! I'm ready to get on the grandstand!"

Senator Hanabusa rose again on a point of personal privilege and said:

"Mr. President, I stand on a point of personal privilege also in rebuttal.

“Mr. President, your Loyal Minority has missed a critical point, and maybe it brings to light something that we should consider. If I recall, part of the CARE program has someone who has now been appointed to head the Office of Information Practices. Maybe the loyal Minority should ensure, before they cast their stones, that that person had nothing to do with any of the CARE situation.

“Mr. President, all I’m pointing out is that there is an adjudication on that specific fact. I’m not saying that the Governor should step down. I believe that she is elected like everyone else is elected here and let the constituents decide the final outcome of that fate.

“However, I’m interested to learn if the Loyal Minority had asked for an investigation as a result of that and ensured that proper sanctions were taken for those who had made whatever decision was required to be made to actually facilitate that out of the fifth floor administrative offices.

“Mr. President, whatever we criticize others for is something that I would assume, since they feel so strongly about, that they should be the first to lead the charge for.

“Thank you, Mr. President.”

Senator Slom rose on a point of personal privilege and said:

“Mr. President, I rise on a point of personal privilege, as rare as that is and as reluctant as I am. (Laughter.)

“I think we should keep this all in proper perspective. First of all, we are members of the Senate and we’re talking about issues that have occurred in the Senate. We can debate the issue involving the Governor and the CARE program, which was debated actually last year. We can talk about that. We can talk about things that have happened in the House. We can talk about things that happen publicly, but I think it’s a lot easier and a lot more responsible to talk about issues here in the Senate because we are 25 of us representing this Body.

“I do concur with the good Senator from Waianae that in the case where there is a process going on that that process should work its way through. The only problem for the public and for us is that oftentimes these processes take a considerable amount of time and the Legislative Session is pau by then and also the Conference Committee process and everything else. So, I think it’s a legitimate concern and a legitimate issue to be brought up and to be discussed and as the Minority Leader said, we’re talking about freedom of speech and freedom of ideas.

“What a boring place this would be if there were 25 members of the Majority Party. There would be no discussion, no debates, no issues, everything would be 25 to 0 and we wouldn’t even have to come here. But, thank goodness you have at least five of us now to bring this discussion to the Floor, and look at some of the discussions that have been brought to the Floor before when we’ve honestly talked about them. And one of the things was ethics. We discussed it last year – how important it is – and we on this side don’t disagree that ethics is important. What we were saying was that to have legislation, to have the public believe that practices would stop because somebody spent an hour-and-a-half or two hours with the Executive Director of the Ethics Commission was absurd, really, and that people that engage in unethical practices, whatever they are determined to be, are going to do so and have done so and will continue to do so regardless of any specific training.

“So, what we should be doing is looking at things in the bigger picture. And the Minority Leader brought up the issue

which is very dear to my heart and that is the idea of not having fundraising activities during the Legislative Session. I say it’s dear to my heart because more than 15 years ago the organization that I represent on the outside, Small Business Hawaii, had called publicly for all Legislators to not do this because it was bad practice. How can we, as Legislators, as Senators, be debating issues that affect businesses and labor and academic institutions and nonprofits and at the same time send them booklets of tickets to get their money to come to our fundraisers. Why don’t we do it after the Session so that they can say, ‘boy, you guys and gals really did a good job and I want to show my support by buying fundraising tickets.’ I was laughed at 15 years ago because people said, ‘well, that’s not the way it’s done.’ And particularly people from the neighbor islands, they need that captive audience that exists during the Legislative Session, and I think the operative word is captive.

“I don’t think it’s right that we solicit people while we are dealing with their issues. In my younger days, I called it extortion and a grave conflict of interest, but now that I’m older and the senior member of this Body, I would say it’s just bad judgement. And think we should all do that. It should not be a Republican or Democrat issue, and I know that there is bipartisan support to do this, but instead of talking about it, we should do it. We should make sure that the public has a restoration of their faith that when we’re down here debating issues, we are honestly debating the issues – not personalities, not political parties – and that we try to solve these problems. And to me, that’s what the bigger issue is. I always disliked getting involved in personalities because it doesn’t solve the problems and it doesn’t do anything for the public who pay for us and are paying more and more, it seems, every year.

“So, Mr. President and colleagues, let’s let the process go through, but at the same time, let’s make sure that these issues are not swept under the carpet and that we deal with them and that we deal with causes of problems rather than just symptoms.

“Thank you.”

Senator Hee rose on a point of personal privilege and stated:

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

“I would like to make a few remarks on the discussion so far, Mr. President, with your permission. A lot of things have been said, so I hope this Body will engage in some patience in some words contrary to what has been said by the Minority members thus far.

“In no particular order, let me say that when this issue came up a couple days ago on this Floor, I said very clearly that while I had no knowledge of the distribution, I accept full responsibility. Since that time, I’ve had the opportunity to look at exactly what transpired and who engaged in what activity. I didn’t want to get into it publicly, but this might be a good opportunity.

“As far as we can determine at this point, \$50 was contributed to my fundraiser, and I’ve asked that it be returned forthwith. I made that clear a couple of days ago, and I do so publicly again. I spoke to Bob Watada and gave him a copy of my Floor speech in the event that an issue may arise. He took it and he told me that was the right thing to do, and he wanted to give it back to me, but I said ‘no, why don’t you keep it; you may need it.’

“I called Dan Mollway of the Ethics Commission that afternoon and I said to him that he may be getting calls. And in fact he said to me that Mrs. Kai had called and she was upset because an envelope was mailed to her house. Mr. Mollway

said to me that he told her that that was not a breach of the law, that we receive a lot of things in the mail that we don't necessarily appreciate receiving, and that that is not a violation of the statutes governing ethics, from his point of view. And in fact he said he indeed receives fundraiser tickets at his house and he does what he does with them.

"Because I was first elected two decades ago, I said to Mr. Mollway, 'You know, Dan, whenever I thought a potential problem would arise, I've always consulted you,' and he said, 'Yes, that's correct.' And I continue to do so because unlike others who may feel differently, I freely admit that I'm very appreciative of the counsel of the Executive Director of the Ethics Commission, and I freely admit that I seek the counsel of the Campaign Spending Director. I freely admit that. I will do so many times more in the future – freely.

"But I take exception to the statement made by the previous speaker, and I quote, 'Those who engage in unethical behavior will continue to do so.' I don't believe that's a true statement. I don't believe that Governor Lingle will repeat the mistake that she made, and I don't believe that my campaign volunteers will repeat the mistake that they made. I don't think there was anything nefarious involved. I think that a mistake was made and I accept the responsibility of the error.

"You know, friends, Amy Agbayani is an honorable person, and those who would cast dispersions on her, cast them upon themselves. She is the Director of Student Equity, Excellence and Diversity programs at the university. She is the former President of the Filipino Community Center. She is the former Chair of the Judicial Selection Commission and former Chair of the Hawaii Civil Rights Commission. Her M.A. and Ph.D. in political science was earned from the University of Hawaii at Manoa. She has attended summer institutes at the University of Michigan, at Cornell University, and at Harvard University. She is the recipient of the Alan Saunders American Civil Liberties Union Award. She was named by the YWCA as one of the outstanding women. She is a UH Distinguished Alumnus. She is a recipient of the Hawaii East-West Center Alumni Award and the National Association for Student Personnel Administrators Award.

"She serves as a Director of the Hawaii Women's Political Caucus, the Hawaii Community Foundation, the University of the Philippines Hawaii Alumni Chapter, the Interagency Council for Immigrant Services, the Hawaii Aloha United Way, and Leadership, Education for Asian Pacifics. She's an honorable person. She administers the University of Hawaii Women's Center, the Office of Multicultural Student Affairs for underrepresented ethnic groups, the Kua'ana Student Services for Native Hawaiian students, the College of Opportunities Program for disadvantage students, the KOKUA Program for students with disabilities. She is a Presidential and Regent's Merits Scholarships and Senior Visitors Program Administrator.

"Two days ago, she offered her resignation. Two days ago, I accepted it. I didn't come here to grandstand the offer of resignation from an honorable woman. She feels terrible about the error in judgement.

"Mr. President and members, is there anyone who would stand and say that she cannot make a positive contribution as an unpaid, halftime staff person for the Chairman of the Committee on Higher Education? I asked her to join me because of her vast knowledge of representing underrepresented students of which with very few exceptions on this Floor each of us has the koko . . . each of us has the koko. I did so only after asking the permission of University of Hawaii President David McClain, and only after receiving his permission. I did so only after understanding that the Governor herself had a

fulltime – paid by the university – salaried assistant. He is Law Professor Randy Roth. I did so only after understanding that for three years, senior University of Hawaii Vice President Eugene Imai was a special assistant to the Speaker of the House. Amy Agbayani was a halftime employee charged with the duty of helping me construct a budget which represented, to a greater degree, ethnic studies, women studies, labor studies, American studies, and underrepresented students. That was her mission.

"She feels absolutely terrible about her error in judgement. And for \$50, I feel badly for her. But you know, Mr. President, if there is, as the Minority Leader likes to pontificate, a quid pro quo, then let's truly understand the East-West horizon on a quid pro quo.

"Catherine Lagareta, Board of Regent member, University of Hawaii, in calendar year 2002 contributed \$5,500 to the campaign of then candidate Linda Lingle. East-West Board of Director member Roland Lagareta contributed the maximum \$6,000 prior to the election of Governor Linda Lingle. John Kai, interim regent, has contributed \$1,500 to Governor Linda Lingle; Ramon de la Pena, interim regent, contributed \$200; Andres Albano, regent, University of Hawaii, in October of 2002 contributed \$200; regent James J.C. Haynes II contributed \$1,250, and then \$4,750, and then \$1,000, and then finally on June 15th of this year another \$1,000. His son, James J.C. Haynes III, on April 11, 2002, contributed \$6,000. Mr. President, I assume that these contributions are lawful. This much we know – these are the contributions; they are regents today. Aventis Pharmaceuticals contributed \$6,000 on October 28th, '02; Chevron, USA, contributed \$799.67 on October 11th and then Chevron/Texaco Corporation in California contributed in three separate checks \$6,500; Tesoro from July 18, 2001 to March 16, 2004, thus far has contributed \$13,100. Is there a suggestion here that policy may affect these contributions? That's for us to decide.

"Ramon de la Pena sent me a check for \$50 – that check will be returned. I have accepted responsibility. Dr. Agbayani is no longer a member of this staff. We are the poorer for that. We are the losers for that. She is the one who asked to resign. I feel very badly for that and I chose not to make it a public issue.

"Mr. President, I serve at your pleasure. If I don't have your confidence, Mr. President, or the members here, you have my permission – you may have the Committee; you may have my leadership position. I have done my job with the idea that we would do it the best that we could, and I hope to some degree that the members here will at least understand that, if not agree. But I serve at your pleasure, Mr. President, and I serve at the pleasure of all of you here. There is no anchor that I am seated to this bench. You may have it – but not in response to the Bulletin and the honorable Richard Borreca, but because those are the rules that govern this Body.

"And let me end with this – there is a suggestion here that there is some nefarious plot to extort some money. I have, in a statement faxed to the Ethics Commission Executive Director two afternoons ago, said that no state office equipment was used, no personnel was used, none at this Capitol building as far as I am aware. Whatever was mailed was on my campaign committee expenditures to non-state office destinations. That's the law. I have offered my hard drive and I offer it to anyone here who wishes to have the hard drives of my computer – I offer that to you. And I have offered to the Ethics Commission Director that my statement faxed to him shall stand as an affidavit. That's nothing magical, but the idea that it's some isolation to either myself or others on this Floor is in fact grandstanding. When you accept someone's resignation and not tell others, I believe that's proper.

“So, Mr. President and members here, I offer you whatever you wish from my office.

“Thank you, Mr. President.”

APPOINTMENT OF CONFEREES

H.B. No. 1462 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1462, and the request for a conference on the subject matter thereof, the President appointed Senators Taniguchi, chair; Baker, English, Hanabusa, Trimble as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:46 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., Monday, April 25, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate