

## FIFTY-FOURTH DAY

Monday, April 25, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Kahu Kordell Kekoa, Kamehameha Schools, after which the Roll was called showing all Senators present.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 830 to 833) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 830, informing the Senate that on April 22, 2005, she signed into law Senate Bill No. 842 as Act 23, entitled: "RELATING TO WITHHOLDING OF TAX ON THE DISPOSITION OF REAL PROPERTY BY NONRESIDENT PERSONS," was placed on file.

Gov. Msg. No. 831, informing the Senate that on April 22, 2005, she signed into law House Bill No. 624 as Act 24, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS FOR PUBLIC EMPLOYEES," was placed on file.

Gov. Msg. No. 832, informing the Senate that on April 22, 2005, she signed into law House Bill No. 684 as Act 25, entitled: "MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH EMERGENCY AMBULANCE SERVICE CONTRACTS COLLECTIVE BARGAINING COSTS," was placed on file.

Gov. Msg. No. 833, advising the Senate of the withdrawal of the nomination of ANGELA RABAN to the State Council on Mental Health, under Gov. Msg. No. 761, dated April 15, 2005, was placed on file.

In compliance with Gov. Msg. No. 833, the nomination listed under Gov. Msg. No. 761 was returned.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 687 to 697) were read by the Clerk and were placed on file:

Hse. Com. No. 687, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 98, H.D. 2, and H.B. No. 98, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 688, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 447, H.D. 1, and H.B. No. 447, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 689, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 515 and H.B. No. 515, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 690, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 556 and H.B. No. 556, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 691, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 919, H.D. 1, and H.B. No. 919, H.D. 1, S.D. 2, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 692, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1450, H.D. 2, and H.B. No. 1450, H.D. 2, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 693, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1453, H.D. 1, and H.B. No. 1453, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 694, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1712, H.D. 1, and H.B. No. 1712, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 695, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 1715, H.D. 1, and H.B. No. 1715, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 21, 2005.

Hse. Com. No. 696, 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 bill:

S.B. No. 568, S.D. 1 (H.D. 2):

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

Hse. Com. No. 697, 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 Senate to the following House bill:

H.B. No. 99, H.D. 1 (S.D. 2):

Representatives Hiraki, Luke, Takamine, co-chairs; Pine.

## STANDING COMMITTEE REPORTS

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1809) recommending that the Senate advise and consent to the nominations to the Island Burial Council, Island of Oahu of the following:

CHARLES A. EHRHORN, in accordance with Gov. Msg. No. 604;

ALICE U. GREENWOOD, in accordance with Gov. Msg. No. 605;

ANALU K. JOSEPHIDES, in accordance with Gov. Msg. No. 606;

ANDREW K.T. KELIIOA, in accordance with Gov. Msg. No. 607;

AARON D. MAHI, in accordance with Gov. Msg. No. 608;

MARK KAWIKA MCKEAGUE, in accordance with Gov. Msg. No. 609;

JACE L. MCQUIVEY, in accordance with Gov. Msg. No. 610; and

LINDA PAIK-MATSUURA, in accordance with Gov. Msg. No. 611.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1809 and Gov. Msg. Nos. 604, 605, 606, 607, 608, 609, 610 and 611 was deferred until Tuesday, April 26, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1810) recommending that the Senate advise and consent to the nomination of MARY VERDINE S.O. KONG to the Correctional Industries Advisory Committee, in accordance with Gov. Msg. No. 696.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1810 and Gov. Msg. No. 696 was deferred until Tuesday, April 26, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1811) recommending that the Senate advise and consent to the nomination of LESLIE ALAN UEOKA to the Civil Rights Commission, in accordance with Gov. Msg. No. 693.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1811 and Gov. Msg. No. 693 was deferred until Tuesday, April 26, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1812) recommending that the Senate advise and consent to the nominations to the Hawaiian Homes Commission of the following:

ROSEMARIE (BILLIE) I. BACLIG, in accordance with Gov. Msg. No. 707; and

MALIA P. KAMAKA, in accordance with Gov. Msg. No. 708.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1812 and Gov. Msg. Nos. 707 and 708 was deferred until Tuesday, April 26, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1813) recommending that the Senate advise and consent to the nomination of GIL SILVA to the Board of Registration of the Island of Hawaii, in accordance with Gov. Msg. No. 775.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1813 and Gov. Msg. No. 775 was deferred until Tuesday, April 26, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1814) recommending that the Senate advise and consent to the nomination of WINIFRED PELE HANOVA to the Island Burial Council, Island of Hawaii, in accordance with Gov. Msg. No. 750.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1814 and Gov. Msg. No. 750 was deferred until Tuesday, April 26, 2005.

Senator Kokubun, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1815) recommending that H.C.R. No. 200, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 200, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES DIVISION OF CONSERVATION AND RESOURCES ENFORCEMENT," was adopted.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:45 o'clock a.m.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

#### MATTER DEFERRED FROM FRIDAY, APRIL 22, 2005

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 Tuesday, April 26, 2005.

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:07 o'clock p.m.

#### FINAL READING

S.B. No. 1256, H.D. 1:

Senator Hee moved that S.B. No. 1256, H.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hanabusa.

Senator Hooser rose in support of the measure and stated:

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

"Mr. President, this bill is a good bill. I think if we focus on what is good public policy and in our hearts we close our eyes and think about not whether it's Minority or Majority members being affected but look at the policy of the university, the policy of this bill, I think all of us will recognize that this bill is good for the University of Hawaii.

"This bill represents best practices as promoted by the Association of Governing Boards in Universities and Colleges. I read from a letter written last year that says it's 'a national group for Boards of Trustees and Regents. The Association of Governing Boards in Universities and Colleges has advocated for this approach for nearly two decades and have worked successfully with states to see such committees enacted.'

"Another letter also presented from the Common Wealth of Virginia, Office of the Governor, says, 'As result of this process, we believe we have improved the quality and diversity

of our board appointments.’ This is a similar situation that was put into place by Governor Mark Warner in 2002.

“This is a good piece of legislation, Mr. President, members. It’s good for the university. It perpetuates and supports the vision of autonomy that was put into place by the voters just a few years ago. It will ensure that we have the widest range possible of regent applications. Nothing will ever take politics completely out of the process, Mr. President, but this will assure that there is minimal influence by politics. It’s supported by members of the University of Hawaii Foundation, supported by professors, by students in the past, and it is a good bill. It will make for a better university, and I urge my colleagues to support this bill.

“Thank you.”

Senator Trimble rose in opposition to the measure and said:

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

“It is kind of difficult to stand up and talk about something that has been categorized at least 11 times in less than 3 minutes as a good bill, but nevertheless, I will be voting against this bill for two reasons. Number one, when you consider why we pass law, you don’t do it because of one instance, and you don’t amend the Constitution because of one instance. The instance I’m referring to was not the firing of Evan Dobbelle, because, you know, the firing of Evan Dobbelle was a bipartisan action by the Board of Regents and I believe it made the University of Hawaii a stronger institution because of the controversy and the attention that was played on it. The instance I’m referring to was the manner in which he was hired to begin with. I believe when the Senate exercises its Constitutional responsibility of confirming regent nominees, if we do our job properly we will not find ourselves in the situation that occurred several years ago.

“The second reason for voting against it is that I believe that differences of opinion and articulating differences of opinion – i.e., politics is important whether it be in this Body or the University of Hawaii – provides a vehicle for articulating the need for change.

“If you look at the composition of the nominating committee, it is my belief that what you will get are regents that are not advocates of change, and you will get a system where there is no direct accountability to the people when there is a need for change.

“So, I’m voting against this bill, number one, because it is not necessary to enact law to deal with one instance; and two, the mechanism that is suggested, I don’t think will result in nominees on a Board of Regents that is accountable to the people when there is a need for change.

“Thank you, Mr. President.”

Senator Hogue also rose to speak against the measure as follows:

“Mr. President, I rise to speak against this particular measure.

“I appreciate the good intentions of the Senator from Kauai. I understand that this bill is well intended, however, I don’t believe that you can de-politicize the process. If in fact the bottom line was to de-politicize the process, there would not be the Senate companion that runs alongside this particular bill that appoints an 11 member council that is so political. When you take a look at it, for example, these will be those who have been

put on this selection council – one member shall be appointed by the President of the Senate; one by the Speaker of the House; one by the Governor; one by the University of Hawaii’s All Campus Council of Faculty Senate Chairpersons; one member shall be appointed by the University of Hawaii System Student Caucus; one member shall be appointed by the University of Hawaii’s Native Hawaiian Council; one by the University of Hawaii Professional Assembly; one by the HGEA; one by the Hawaii State Bar Association; one member by the University of Hawaii Foundation; and one by the University of Hawaii Alumni Association.

“Well, the first nine that I read off there are obviously extremely political – extremely. So, now we could make a case that we could have an appointment from the University of Hawaii Foundation that was perhaps not political and we could have one that was appointed by the University of Hawaii Alumni Association that was not political. So, two of the eleven would not be political. We could make that argument. Maybe they could be political, too. So, in our effort to de-politicize the process, we have actually over-politicized the process.

“If what we wanted to do was to take away the power of the Governor to appoint whom that Governor of a particular political party wanted to appoint, because of trying to oversee the university’s, say, finances or policies, etc., there would be a possibility that the way this particular council is set up is that people there could all get together and they could make sure that anyone that they put before the Governor, they could make sure that that person, all of them that were put before her, had the opposite point of view.

“The way this particular Constitutional Amendment comes forward and is different from the State of Virginia, I understand, the Governor has to appoint a Board of Regent nominee from that list. In the State of Virginia, I believe, they may appoint from that particular list.

“So, I don’t think there is any way that you can de-politicize the process. In fact we are over-politicizing the process, and for those reasons, I’ll be voting ‘no.’

“Thank you.”

Senator Hee rose and said:

“Mr. President, just one point of clarification.

“The previous speaker spoke about . . .”

The President interjected:

“Are you rising in support, Senator Hee?”

Senator Hee continued:

“I beg your pardon, Mr. President. I rise to support this measure before us.

“As a point of information, the previous speaker spoke about S.B. No. 1257. We are on S.B. No. 1256. S.B. No. 1256 merely puts the question before the people of the State of Hawaii. It does not presume the answer. It’s not a power grab. It’s a question before the people, the voters of the State of Hawaii.

“If the question is turned away by the voters, S.B. No. 1257 is moot. If the voters sustain the proposition that there should be a different process by which regents are selected and then appointed by the Governor, then S.B. No. 1257 becomes an

issue for discussion. And as a point of fact, S.B. No. 1257 is intended to go before a Conference Committee to address some of the very issues raised by the previous speaker.

“The suggestion that S.B. No. 1257 is in concrete is not so. The fact is the measure before this Body is S.B. No. 1256, which asks the people for their advice.

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

Ayes, 21. Noes, 4 (Hemmings, Hogue, Slom, Trimble).

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1774 (Gov. Msg. No. 582):

Senator Inouye moved that Stand. Com. Rep. No. 1774 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 RICHARD M. MERSCHDORF to the State Highway Safety Council, 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, 25. Noes, none.

Stand. Com. Rep. No. 1775 (Gov. Msg. No. 476):

Senator Fukunaga moved that Stand. Com. Rep. No. 1775 be received and placed on file, seconded by Senator Ige and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of JAMES S. GUEQUIERRE to the Hawaii Historic Places Review Board, term to expire June 30, 2009, seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1776 (Gov. Msg. Nos. 391 and 447):

Senator Fukunaga moved that Stand. Com. Rep. No. 1776 be received and placed on file, seconded by Senator Ige and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the State Foundation on Culture and the Arts Commission of the following:

SANDRA ALBANO, term to expire June 30, 2008 (Gov. Msg. No. 391); and

BINA MOSSMAN CHUN, term to expire June 30, 2009 (Gov. Msg. No. 447),

seconded by Senator Ige.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1777 (Gov. Msg. No. 138):

Senator Kokubun moved that Stand. Com. Rep. No. 1777 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 JONATHAN WAI YUN LAI to the Hawaii Community Development Authority (HCDA), 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, 25. Noes, none.

Stand. Com. Rep. No. 1778 (Gov. Msg. Nos. 555, 556, 557, 558, 559 and 560):

Senator Kokubun moved that Stand. Com. Rep. No. 1778 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 Directors of the Agribusiness Development Corporation of the following:

YUKIO KITAGAWA, term to expire June 30, 2006 (Gov. Msg. No. 555);

WAYNE K. KATAYAMA, term to expire June 30, 2009 (Gov. Msg. No. 556);

ROBERT V. OSGOOD, term to expire June 30, 2008 (Gov. Msg. No. 557);

TEENA M. RASMUSSEN, term to expire June 30, 2007 (Gov. Msg. No. 558);

ROBERT S. SUTHERLAND, term to expire June 30, 2009 (Gov. Msg. No. 559); and

ERIC D. WEINERT, term to expire June 30, 2006 (Gov. Msg. No. 560),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1779 (Gov. Msg. No. 649):

Senator Kokubun moved that Stand. Com. Rep. No. 1779 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 ROBERT D. HAUFF to the Advisory Committee on Pesticides, term to expire June 30, 2009, seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1788 (Gov. Msg. No. 433):

Senator Hanabusa moved that Stand. Com. Rep. No. 1788 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of SARA BANKS to the Civil Rights Commission, term to expire June 30, 2008, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1789 (Gov. Msg. Nos. 478, 479 and 480):

Senator Hanabusa moved that Stand. Com. Rep. No. 1789 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Kahoolawe Island Reserve Commission of the following:

NOA EMMETT ALULI, term to expire June 30, 2009 (Gov. Msg. No. 478);

MILTON M. ARAKAWA, term to expire June 30, 2007 (Gov. Msg. No. 479); and

JOHN D. WAIHEE IV, term to expire June 30, 2009 (Gov. Msg. No. 480),

seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1790 (Gov. Msg. No. 522):

Senator Hanabusa moved that Stand. Com. Rep. No. 1790 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of LANI LIU EWART to the Commission to Promote Uniform Legislation, term to expire June 30, 2009, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1791 (Gov. Msg. Nos. 523 and 524):

Senator Hanabusa moved that Stand. Com. Rep. No. 1791 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Commission to Promote Uniform Legislation of the following:

PETER J. HAMASAKI, term to expire June 30, 2008 (Gov. Msg. No. 523); and

KEVIN P. H. SUMIDA, term to expire June 30, 2008 (Gov. Msg. No. 524),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1792 (Gov. Msg. Nos. 531 and 532):

Senator Hanabusa moved that Stand. Com. Rep. No. 1792 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Commission on the Status of Women of the following:

MONA M. CHANG VIERRA ED.D., term to expire June 30, 2009 (Gov. Msg. No. 531); and

CAROL ANNE PHILIPS, term to expire June 30, 2009 (Gov. Msg. No. 532),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1793 (Gov. Msg. Nos. 566 and 567):

Senator Hanabusa moved that Stand. Com. Rep. No. 1793 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Crime Victim Compensation Commission of the following:

JANET K. KUWAHARA, term to expire June 30, 2006 (Gov. Msg. No. 566); and

REBECCA S. WARD, term to expire June 30, 2009 (Gov. Msg. No. 567),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1794 (Gov. Msg. No. 576):

Senator Hanabusa moved that Stand. Com. Rep. No. 1794 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nomination of STUART K. HANCHETT to the

Hawaiian Homes Commission, term to expire June 30, 2009, seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1795 (Gov. Msg. No. 669):

Senator Inouye moved that Stand. Com. Rep. No. 1795 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 DAVID R. MARSHALL to the Commission on Transportation, term to expire June 30, 2006, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1796 (Gov. Msg. Nos. 612, 613, 614, 615, 616 and 617):

Senator Hanabusa moved that Stand. Com. Rep. No. 1796 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Kauai and Niihau of the following:

MARK S. HUBBARD SPHR, term to expire June 30, 2008 (Gov. Msg. No. 612);

D. LA FRANCE KAPAKA-ARBOLEDA, term to expire June 30, 2008 (Gov. Msg. No. 613);

JOHN A. P. KRUSE, term to expire June 30, 2008 (Gov. Msg. No. 614);

SANDRA P. QUINSAAT, term to expire June 30, 2008 (Gov. Msg. No. 615);

LEIANA P. ROBINSON, term to expire June 30, 2007 (Gov. Msg. No. 616); and

PRESLEY V. WANN, term to expire June 30, 2009 (Gov. Msg. No. 617),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1797 (Gov. Msg. Nos. 618, 619, 620, 621, 622, 623, 624 and 625):

Senator Hanabusa moved that Stand. Com. Rep. No. 1797 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Island Burial Council, Islands of Maui and Lanai of the following:

SCOTT FISHER, term to expire June 30, 2009 (Gov. Msg. No. 618);

WILLIAM C. FRAMPTON, term to expire June 30, 2008 (Gov. Msg. No. 619);

DANA MOMILANI NAONE HALL, term to expire June 30, 2007 (Gov. Msg. No. 620);

EDWARD HOAPILII KAAHUI, term to expire June 30, 2009 (Gov. Msg. No. 621);

KEMA L. KANAKAOLE, term to expire June 30, 2009 (Gov. Msg. No. 622);

KEEAMOKU J. KAPU, term to expire June 30, 2009 (Gov. Msg. No. 623);

LESLIE A. KULOLOIO, term to expire June 30, 2009 (Gov. Msg. No. 624); and

CLOTHILDA PUALANI PAOA, term to expire June 30, 2007 (Gov. Msg. No. 625),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1798 (Gov. Msg. No. 550):

Senator Kim moved that Stand. Com. Rep. No. 1798 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Kim then moved that the Senate advise and consent to the nomination of LEON D. YOSHIDA to the Board of Directors of the Hawaii Tourism Authority, term to expire June 30, 2008, seconded by Senator Nishihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1799 (Gov. Msg. No. 633):

Senator Inouye moved that Stand. Com. Rep. No. 1799 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 VIT U. PATEL MD to the Medical Advisory 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, 25. Noes, none.

Stand. Com. Rep. No. 1800 (Gov. Msg. No. 639):

Senator Menor moved that Stand. Com. Rep. No. 1800 be received and placed on file, seconded by Senator Baker and carried.

Senator Menor then moved that the Senate advise and consent to the nomination of THOMAS I. NAKAMA to the

Motor Vehicle Industry Licensing Board, term to expire June 30, 2008, seconded by Senator Baker.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1801 (Gov. Msg. No. 658):

Senator Menor moved that Stand. Com. Rep. No. 1801 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 BARRY F. LUTERMAN PH.D. to the Board of Speech Pathology and Audiology, 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, 25. Noes, none.

Stand. Com. Rep. No. 1802 (Gov. Msg. No. 647):

Senator Menor moved that Stand. Com. Rep. No. 1802 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 DANTE P. BUERANO JR. to the Board of Examiners in Optometry, 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, 25. Noes, none.

Stand. Com. Rep. No. 1803 (Gov. Msg. Nos. 598, 599, 601 and 602):

Senator Hanabusa moved that Stand. Com. Rep. No. 1803 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Molokai of the following:

LANCE M. DUNBAR, term to expire June 30, 2009 (Gov. Msg. No. 598);

PEARL A. HODGINS, term to expire June 30, 2009 (Gov. Msg. No. 599);

WILLIAM K. MALO, term to expire June 30, 2009 (Gov. Msg. No. 601); and

GEORGE 'KEOKI' E. PESCAIA, term to expire June 30, 2006 (Gov. Msg. No. 602),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1804 (Gov. Msg. Nos. 442 and 562):

Senator Kokubun moved that Stand. Com. Rep. No. 1804 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 Hawaii Community Development Authority (HCDA) of the following:

KAY M. MUKAIGAWA, term to expire June 30, 2009 (Gov. Msg. No. 442); and

GRADY L. CHUN, term to expire June 30, 2007 (Gov. Msg. No. 562),

seconded by Senator Hooser.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1806 (Gov. Msg. Nos. 585, 586, 587, 589, 590, 591, 592, 593, 594 and 595):

Senator Hanabusa moved that Stand. Com. Rep. No. 1806 be received and placed on file, seconded by Senator Hee and carried.

Senator Hanabusa then moved that the Senate advise and consent to the nominations to the Island Burial Council, Island of Hawaii of the following:

ANNA CARIAGA, term to expire June 30, 2008 (Gov. Msg. No. 585);

RONALD N. M. DELA CRUZ, term to expire June 30, 2008 (Gov. Msg. No. 586);

LENINGRAD ELARIONOFF, term to expire June 30, 2009 (Gov. Msg. No. 587);

ROY HELBUSH, term to expire June 30, 2008 (Gov. Msg. No. 589);

JACQUI L. HOOVER, term to expire June 30, 2009 (Gov. Msg. No. 590);

KU KAHAKALAU PHD, term to expire June 30, 2008 (Gov. Msg. No. 591);

MELVYN KALEO KUALII, term to expire June 30, 2008 (Gov. Msg. No. 592);

CYNTHIA NAZARA, term to expire June 30, 2007 (Gov. Msg. No. 593);

DUTCHIE K. SAFFREY, term to expire June 30, 2007 (Gov. Msg. No. 594); and

CHARLES KUI HIN YOUNG, term to expire June 30, 2009 (Gov. Msg. No. 595),

seconded by Senator Hee.

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

Ayes, 25. Noes, none.

## ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM  
FRIDAY, APRIL 22, 2005

Stand. Com. Rep. No. 1780 (H.C.R. No. 88, S.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. 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 adopted.

Stand. Com. Rep. No. 1781 (H.C.R. No. 267, 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. 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 adopted.

Stand. Com. Rep. No. 1782 (H.C.R. No. 10, H.D. 1, S.D. 1):

Senator Hee moved that Stand. Com. Rep. No. 1782 and H.C.R. No. 10, H.D. 1, S.D. 1, be adopted, seconded by Senator Hogue.

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

"Mr. President, briefly, when we had the initial bill that was going to start pushing the emergency contraceptive pill, I voted 'no' for that because the testimony from the doctors and the medical research showed clearly that although it can prevent conception, it also can basically create a miscarriage, because if the pill is taken after the egg has been fertilized, what happens is that the woman's body rejects it and the egg is unable to implant on the wall of the uterus. So, this emergency contraceptive pill becomes an emergency abortion pill, and I think we continue to play games with the names and promoting something I can't support.

"Thank you."

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

"Mr. President, I rise to speak in support of Stand. Com. Rep. No. 1782, H.C.R. No. 10.

"This measure is identical to a measure that the Senate has already adopted. We took the HCR and instead of creating a new task force, asked that the existing task force that is already working on the issue to address this matter. The task force was created by legislation passed last year and signed into law to make sure the appropriate information gets out to pharmacists who have the ability to prescribe emergency contraceptives and to the physicians, as well as to women who may be in need of emergency contraceptives.

"So, I would just like to note for the record that an identical measure has already been approved by the Senate. Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted 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 adopted with Senators Slom and Whalen voting "No."

Stand. Com. Rep. No. 1783 (H.C.R. No. 67, S.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. 67, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF ATHLETIC HEALTH CARE TRAINERS," was adopted.

Stand. Com. Rep. No. 1785 (H.C.R. No. 109, S.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. 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 adopted.

Stand. Com. Rep. No. 1786 (H.C.R. No. 222, H.D. 1, S.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. 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 adopted.

Stand. Com. Rep. No. 1787 (H.C.R. No. 229, H.D. 1, S.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. 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 adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 1805 (H.C.R. No. 5, H.D. 1, S.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. 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 adopted.

Stand. Com. Rep. No. 1807 (H.C.R. No. 294, S.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. 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 adopted.

Stand. Com. Rep. No. 1808 (H.C.R. No. 56, S.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. 56, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING PASSAGE OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT (THE 'AKAKA BILL')," was adopted with Senator Slom voting "No."

**ADOPTION OF RESOLUTIONS**

H.C.R. No. 100, H.D. 1, S.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, 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 adopted with Senator Slom voting "No."

H.C.R. No. 146, H.D. 1:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON BIOPROSPECTING," was adopted.

H.C.R. No. 213:

On motion by Senator Hee, seconded by Senator Hogue and carried, H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SYSTEMWIDE FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII SYSTEM," was adopted.

**RECONSIDERATION OF ACTION TAKEN**

S.B. No. 527, S.D. 2 (H.D. 1):

Senator Baker moved that the Senate reconsider its action taken on April 7, 2005, in disagreeing to the amendments proposed by the House to S.B. No. 527, S.D. 2, seconded by Senator Chun Oakland and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 527, S.D. 2, on the following showing of Ayes and Noes:

Ayes, 4 (Baker, Chun Oakland, Taniguchi, Inouye). Noes, none. Excused, 2 (Fukunaga, Whalen).

Senator Baker moved that the Senate agree to the amendments proposed by the House to S.B. No. 527, S.D. 2, seconded by Senator Chun Oakland.

Senator Baker noted:

"Mr. President, this is a measure that provides the county executive office on aging, as well as county agencies, the ability to procure using Chapter 103F. This is consistent with the Senate amendments. However, the House bill was more technically correct and that is why we adopted their version."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 527, S.D. 2, and S.B. No. 527, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PURCHASES OF HEALTH AND HUMAN SERVICES," was placed on the calendar for Final Reading on Tuesday, April 26, 2005.

**APPOINTMENT OF CONFEREES**

S.B. No. 179, S.D. 3 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 179, S.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Ige, Taniguchi, co-chairs; Espero, Hooser, Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 982, 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. 982, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Inouye, Taniguchi, co-chairs; Espero, Tsutsui as managers on the part of the Senate at such conference.

**ADJOURNMENT**

At 12:24 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 26, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate