

## FIFTY-FOURTH DAY

Monday, April 21, 2008

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2008, convened at 11:39 a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Alan Urasaki, Pacific Buddhist Academy, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 644 to 646) were read by the Clerk and were placed on file:

Gov. Msg. No. 644, informing the Senate that on April 18, 2008, the Lt. Gov. signed into law Senate Bill No. 3105 as Act 20, entitled: "RELATING TO PUBLIC AGENCY MEETINGS."

Gov. Msg. No. 645, informing the Senate that on April 18, 2008, the Lt. Gov. signed into law House Bill No. 3106 as Act 21, entitled: "RELATING TO GRADUATES OF FOREIGN ACUPUNCTURE PROGRAMS."

Gov. Msg. No. 646, informing the Senate that on April 18, 2008, the Lt. Gov. signed into law Senate Bill No. 2258 as Act 22, entitled: "RELATING TO THE WIRELESS ENHANCED 911 BOARD."

## DEPARTMENTAL COMMUNICATION

Dept. Com. No. 44, from the State Auditor dated April 17, 2008, transmitting its 2007 Annual Report, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 752 to 759) were read by the Clerk and were placed on file:

Hse. Com. No. 752, informing the Senate that the House has agreed to the amendments proposed by the Senate to H.B. No. 3109, and H.B. No. 3109, S.D. 1, passed Final Reading in the House of Representatives on April 18, 2008.

Hse. Com. No. 753, informing the Senate that the amendments proposed by the Senate to the following House concurrent resolutions were agreed to by the House and said resolutions were finally adopted in the House of Representatives on April 18, 2008:

H.C.R. No. 117, S.D. 1; and  
H.C.R. No. 194, S.D. 1.

Hse. Com. No. 754, returning S.C.R. No. 37, S.D. 1, which was adopted by the House of Representatives on April 18, 2008.

Hse. Com. No. 755, returning S.C.R. No. 70, which was adopted by the House of Representatives on April 18, 2008.

Hse. Com. No. 756, returning S.C.R. No. 92, S.D. 1, which was adopted by the House of Representatives on April 18, 2008.

Hse. Com. No. 757, returning S.C.R. No. 96, S.D. 1, which was adopted by the House of Representatives on April 18, 2008.

Hse. Com. No. 758, returning S.C.R. No. 153, which was adopted by the House of Representatives on April 18, 2008.

Hse. Com. No. 759, returning S.C.R. No. 212, S.D. 2, which was adopted by the House of Representatives on April 18, 2008.

## CONFERENCE COMMITTEE REPORTS

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2400, S.D. 1, H.D. 1, presented a report (Conf. Com. Rep. No. 1-08) recommending that S.B. No. 2400, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 1-08 and S.B. No. 2400, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005," was deferred for a period of 48 hours.

Senator Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2784, S.D. 1, H.D. 1, presented a report (Conf. Com. Rep. No. 2-08) recommending that S.B. No. 2784, S.D. 1, H.D. 1, as amended in C.D. 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 2-08 and S.B. No. 2784, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," was deferred for a period of 48 hours.

## STANDING COMMITTEE REPORTS

Senator Kokubun, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 3607) recommending that the Senate advise and consent to the nominations to the Board of Certification of Public Water System Operators of the following:

ROBERT S. SPETICH PE, in accordance with Gov. Msg. No. 544; and

JODI M. YAMAMI, in accordance with Gov. Msg. No. 545.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3607 and Gov. Msg. Nos. 544 and 545 was deferred until Tuesday, April 22, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3608) recommending that the Senate advise and consent to the nomination of DAVID STANLEY DE LUZ JR. to the Small Business Regulatory Review Board, in accordance with Gov. Msg. No. 605.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3608 and Gov. Msg. No. 605 was deferred until Tuesday, April 22, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 3609) recommending that the Senate advise and consent to the nomination of SANDRA ALBANO to the State Foundation on Culture and the Arts Commission, in accordance with Gov. Msg. No. 327.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3609 and Gov. Msg. No. 327 was deferred until Tuesday, April 22, 2008.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com.

Rep. No. 3610) recommending that the Senate advise and consent to the nomination of CHARLES DAVID BOOTH to the Board of Directors of the High Technology Development Corporation, in accordance with Gov. Msg. No. 467.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3610 and Gov. Msg. No. 467 was deferred until Tuesday, April 22, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3611) recommending that the Senate advise and consent to the nomination of CYNTHIA CLINE to the State Rehabilitation Council, in accordance with Gov. Msg. No. 583.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3611 and Gov. Msg. No. 583 was deferred until Tuesday, April 22, 2008.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3612) recommending that the Senate advise and consent to the nomination of TRAVIS O. THOMPSON to the Board of Directors of the Hawai'i Public Housing Authority (PHA), in accordance with Gov. Msg. No. 354.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3612 and Gov. Msg. No. 354 was deferred until Tuesday, April 22, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3613) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

DAVID F. FRAY, in accordance with Gov. Msg. No. 356;

PATRICIA L. HEU MD, in accordance with Gov. Msg. No. 357;

EVAN A.R. MURAKAMI, in accordance with Gov. Msg. No. 358;

PATRICIA A. NISHIMOTO, in accordance with Gov. Msg. No. 359;

LIZ ANN K. SALVADOR, in accordance with Gov. Msg. No. 360;

MICHAEL D. TADA, in accordance with Gov. Msg. No. 361;

MARK F. ROMOSER, in accordance with Gov. Msg. No. 477; and

SHERYL A. NELSON, in accordance with Gov. Msg. No. 514.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3613 and Gov. Msg. Nos. 356, 357, 358, 359, 360, 361, 477 and 514 was deferred until Tuesday, April 22, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3614) recommending that the Senate advise and consent to the nominations to the Mental Health and Substance Abuse, Oahu Service Area Board of the following:

SHIRLEY JEAN DAVENPORT, in accordance with Gov. Msg. No. 385; and

GORDON MICHAEL DURANT, in accordance with Gov. Msg. No. 386.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3614 and Gov. Msg. Nos. 385 and 386 was deferred until Tuesday, April 22, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3615) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

SANDRA S. RONGITSCH, in accordance with Gov. Msg. No. 362;

RUTH H. STEPULIS RN, in accordance with Gov. Msg. No. 363;

DIANE M. STOWELL, in accordance with Gov. Msg. No. 364; and

ROSEMARIE M. PROTACIO, in accordance with Gov. Msg. No. 478.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3615 and Gov. Msg. Nos. 362, 363, 364 and 478 was deferred until Tuesday, April 22, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3616) recommending that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

BELINDA A. ANDERSON, in accordance with Gov. Msg. No. 387;

ALAN BUFFENSTEIN MD, in accordance with Gov. Msg. No. 388;

ARTHUR THOMAS CABATBAT, in accordance with Gov. Msg. No. 389;

LIESJE CATTANEO, in accordance with Gov. Msg. No. 390;

RANDOLPH C. HACK, in accordance with Gov. Msg. No. 391;

DONNA DARLENE HANSEN, in accordance with Gov. Msg. No. 392;

KUULEI A. KILIONA, in accordance with Gov. Msg. No. 393;

CANDACE M. SANDAL, in accordance with Gov. Msg. No. 394; and

G. NOELANI WILCOX, in accordance with Gov. Msg. No. 395.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3616 and Gov. Msg. Nos. 387, 388, 389, 390, 391, 392, 393, 394 and 395 was deferred until Tuesday, April 22, 2008.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3617) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

ED CHEVY, in accordance with Gov. Msg. No. 515;

PETER L. FRITZ, in accordance with Gov. Msg. No. 516;

ANN CHINEN ITO, in accordance with Gov. Msg. No. 517; and

LANCE KANESHIRO, in accordance with Gov. Msg. No. 518.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3617 and Gov. Msg. Nos. 515, 516, 517 and 518 was deferred until Tuesday, April 22, 2008.

Senators Ige and Kokubun, for the Committee on Health and the Committee on Commerce, Consumer Protection and

Affordable Housing, presented a joint report (Stand. Com. Rep. No. 3618), recommending that H.C.R. No. 62, H.D. 1, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 62, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR USE OF MEDICAL SURVEILLANCE SYSTEMS," was referred to the Committee on Ways and Means.

**STANDING COMMITTEE REPORTS  
AND  
ADOPTION OF RESOLUTIONS**

Senators Ige and Sakamoto, for the Committee on Health and the Committee on Education, presented a joint report (Stand. Com. Rep. No. 3619) recommending that H.C.R. No. 138, H.D. 2, as amended in S.D. 1, be adopted.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 138, H.D. 2, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE'S TELEHEALTH RESEARCH INSTITUTE TO FORM A TASK FORCE TO REVIEW THE POTENTIAL EXPANSION OF THE CURRENT PRACTICES AND EQUIPMENT OF HAWAII'S TELEMEDICINE SYSTEM," was adopted.

Senators Ige and Chun Oakland, for the Committee on Health and the Committee on Human Services and Public Housing, presented a joint report (Stand. Com. Rep. No. 3620) recommending that H.C.R. No. 21, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.C.R. No. 21, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO WORK TOGETHER TO DEVELOP A STANDARDIZED, WORKABLE POLICY TO PROTECT THE ELDERLY WITHOUT COMPROMISING RESIDENT CARE, AND THAT ENCOURAGES MORE PEOPLE TO BECOME ADULT RESIDENTIAL CARE HOME OR COMMUNITY CARE FOSTER FAMILY HOME OPERATORS," was adopted.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 3621) recommending that H.C.R. No. 93, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and H.C.R. No. 93, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE STATEWIDE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was adopted.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3622) recommending that H.C.R. No. 346, as amended in S.D. 1, be adopted.

Senator Slom rose to speak in opposition to the measure and stated:

"Madam President, I rise in opposition to Stand. Com. Rep. No. 3622, H.C.R. No. 346, S.D. 1.

"This is a resolution. It was a gut and replace resolution. It now calls on the Administration and the Legislature to complete the purchase of Turtle Bay Resort as well as the surrounding undeveloped lands and urges the commitment of the Legislature to assist with the purchase.

"First of all, this Legislature and this Administration has no business purchasing the Turtle Bay Resort. Turtle Bay Resort did not ask for any help from the Legislature. It is a private development. We don't have the money for this. It's one thing to talk about purchasing undeveloped lands. It's another thing to talk about zoning or changes. But to purchase and talk about the condemnation of private property at a time when we see more and more businesses folding in this community, and we continue to send negative messages about the business climate and the investment climate, I urge my colleagues to think about this and not commit this Legislature to this ill-fated plan. Thank you."

Senator Trimble rose to speak in opposition as follows:

"Madam President, the Senator from Hawai'i Kai urged me to reconsider my vote. So I will stand in opposition to S.C.R. [sic] H.C.R. No. 346. Thank you, Senator Slom."

At 11:48 a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:48 p.m.

Senator Hooser then moved that Stand. Com. Rep. No. 3622 and H.C.R. No. 346, S.D. 1, be recommitted to the Committee on Water and Land, seconded by Senator Ige.

Senator Hooser rose to speak in support of the recommitment and said:

"Madam President, because there's a conflict on the title and the contents of the resolutions, and we have a bill which is a much better vehicle moving—it's currently in conference to address these issues—that would be the most appropriate place to deal with the subject matter. Thank you."

Senator Slom rose to speak and said:

"Madam President, I'm just a little curious why all of a sudden that became an issue with the title when everyone knew that the original resolution had been gutted. You know, I just wish for once we would stand up and discuss these things in public and not go behind closed doors for an hour. We could discuss the issue and find out why people support something or why they oppose it. That's the honest thing to do. That's the transparent thing to do. And since we're always talking about that, yeah, I'm very distressed. We waste people's time. We waste our own time.

"Thank you, Madam President."

Senator Hee rose on a point of personal privilege.

"Thank you, Madam President. I rise in a point of personal privilege."

The President inquired:

"A point of personal privilege in our discussion on a recommitment motion? Please proceed."

Senator Hee replied:

"Sorry. That's okay. We'll do it your way."

At 12:49 p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:51 p.m.

Senator Hee rose to speak in support of the recommittal as follows:

“Madam President, I rise in support of the motion to recommit.

“Notwithstanding the previous speaker, the fact of the matter is the Majority had a long discussion on the incongruity of the title to the body. I would like to point out that but for the title I would be voting against the recommittal because I believe that, you know, I have staked out a public position as part of the working group. This has been a long process. It’s been an open process which reporters have been invited and other members of the public every Wednesday. And we will have another meeting; I believe it’s this Thursday. The public’s invited. The reporters have been present.

“But more than that I would like to articulate that part of the reason for my support of the body—and not the title—was that it clearly lays out issues that we have discussed as part of the working group, and part of it as the Governor has said—and the working group has stood behind her position that she recognizes that the State does not intend to own, operate the resort, that she intends to not lose a single job. And that she has said privately and now has laid out publicly through this reso that the intent through these negotiations is to result with a net zero outlay in state moneys. And I am remiss that I did not check clearly the title and take into account the concerns of the members of the Majority. So I will support recommittal at this time. Thank you.”

Senator Hemmings rose to speak in support of the recommittal as follows:

“Madam President, I rise to speak in favor of the motion to recommit.

“Though it’s been explained to us that the legislation can replace the resolution, I cannot sit here and take in the excuse. And I don’t know how you do it with a straight face. If nothing else, your party—the Majority party—is very, very keen on the machinations of this process. You’ve actually pulled some rabbits out of some amazing hats. But to stand up at this time, after all this resolution’s been through, and the subject’s been through, and to use as an excuse that the title’s not correct, I think is insulting to most reasonable people’s intelligence. Thank you, Madam President.”

Senator Baker rose to speak in support of the recommittal and stated:

“Madam President, I rise in support of the motion to recommit.

“The consideration of the current subject matter in this resolution came only recently. The measure probably should have had a Ways and Means referral, but because of the timing it would have made it problematic. I think on further reflection, members concluded as did this Chair that the more appropriate vehicle for substantive consideration of whether we are able to assist in the preservation of the Turtle Bay area is in the bill that is in conference that does have all the appropriate referrals. I think this is where we can make an appropriate judgment with full reflection of members of this Body and the members of the House to try to move something forward that may address all of the concerns that have been outlined before as well as give us an opportunity to see what is possible on a going forward basis. And that’s why I support this recommittal. Thank you.”

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3622 and H.C.R. No. 346, S.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION URGING THE ADMINISTRATION TO COMPLETE THE PURCHASE OF

TURTLE BAY RESORT AND THE SURROUNDING UNDEVELOPED LANDS AND URGING THE COMMITMENT OF THE LEGISLATURE TO ASSIST WITH THE PURCHASE,” was recommitted to the Committee on Water and Land.

Senator Hee, for the Committee on Water and Land, presented a report (Stand. Com. Rep. No. 3623) recommending that S.R. No. 95, as amended in S.D. 1, be adopted.

Senator Hooser then moved that Stand. Com. Rep. No. 3623 and S.R. No. 95, S.D. 1, be recommitted to the Committee on Water and Land, seconded by Senator Ige.

The motion was put by the Chair and carried, Stand. Com. Rep. No. 3623 and S.R. No. 95, S.D. 1, entitled: “SENATE RESOLUTION URGING THE ADMINISTRATION TO COMPLETE THE PURCHASE OF TURTLE BAY RESORT AND THE SURROUNDING UNDEVELOPED LANDS AND URGING THE COMMITMENT OF THE SENATE TO ASSIST WITH THE PURCHASE,” was recommitted to the Committee on Water and Land.

#### ORDER OF THE DAY

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 3596 (Gov. Msg. No. 527):

Senator Kokubun moved that Stand. Com. Rep. No. 3596 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of DAVID A. LAWRENCE to the Board of Directors of the Hawai’i Housing Finance and Development Corporation (HFD), term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3597 (Gov. Msg. No. 534):

Senator Kokubun moved that Stand. Com. Rep. No. 3597 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of AMY STONE MURAI to the State Board of Nursing, term to expire June 30, 2011, seconded by Senator Ige.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3598 (Gov. Msg. No. 536):

Senator Kokubun moved that Stand. Com. Rep. No. 3598 be received and placed on file, seconded by Senator Ige and carried.

Senator Kokubun then moved that the Senate advise and consent to the nomination of LAWRENCE K. MAHUNA to the Board of Private Detectives and Guards, term to expire June 30, 2012, seconded by Senator Ige.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3599 (Gov. Msg. Nos. 584, 585 and 586):

Senator Ige moved that Stand. Com. Rep. No. 3599 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

APRIL M. MIRA, term to expire June 30, 2012 (Gov. Msg. No. 584);

THERESA M. OCTAVIO, term to expire June 30, 2012 (Gov. Msg. No. 585); and

PAMELA LOUISE RICE, term to expire June 30, 2012 (Gov. Msg. No. 586),

seconded by Senator Fukunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3600 (Gov. Msg. No. 587):

Senator Ige moved that Stand. Com. Rep. No. 3600 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of DALLEN K. PALEKA to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, term to expire June 30, 2012, seconded by Senator Fukunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3601 (Gov. Msg. Nos. 588, 589, 590 and 591):

Senator Ige moved that Stand. Com. Rep. No. 3601 be received and placed on file, seconded by Senator Fukunaga and carried.

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

HYUNG K. CHA, term to expire June 30, 2012 (Gov. Msg. No. 588);

PETER T. DYER, term to expire June 30, 2012 (Gov. Msg. No. 589);

PAUL KIM, term to expire June 30, 2009 (Gov. Msg. No. 590); and

SARA A. TOMPKISON, term to expire June 30, 2012 (Gov. Msg. No. 591),

seconded by Senator Fukunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3602 (Gov. Msg. No. 592):

Senator Ige moved that Stand. Com. Rep. No. 3602 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nomination of FREDERICK WILLIAM ROHLFING to the

Statewide Health Coordinating Council, term to expire June 30, 2012, seconded by Senator Fukunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3603 (Gov. Msg. Nos. 596, 597 and 598):

Senator Ige moved that Stand. Com. Rep. No. 3603 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

MAILE M. DAGUIO, term to expire June 30, 2012 (Gov. Msg. No. 596);

GORDON M. DURANT, term to expire June 30, 2010 (Gov. Msg. No. 597); and

CAROL ANN YOUNG, term to expire June 30, 2011 (Gov. Msg. No. 598),

seconded by Senator Fukunaga.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3604 (Gov. Msg. Nos. 416, 417, 418 and 419):

Senator Espero moved that Stand. Com. Rep. No. 3604 be received and placed on file, seconded by Senator Nishihara and carried.

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

JOEL K. MATSUNAGA, term to expire June 30, 2012 (Gov. Msg. No. 416);

DEXTER J. TAKASHIMA, term to expire June 30, 2012 (Gov. Msg. No. 417); and

CLAYTON N.Y.W. TOM, terms to expire June 30, 2008, and June 30, 2012 (Gov. Msg. Nos. 418 and 419),

seconded by Senator Nishihara.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

Stand. Com. Rep. No. 3605 (Gov. Msg. Nos. 512 and 599):

Senator Espero moved that Stand. Com. Rep. No. 3605 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Espero then moved that the Senate advise and consent to the nominations to the Correctional Industries Advisory Committee of the following:

THEODORE G. M. JUNG, term to expire June 30, 2011 (Gov. Msg. No. 512); and

DAVID MAKIJI MATSUURA, term to expire June 30, 2012 (Gov. Msg. No. 599),

seconded by Senator Nishihara.

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

Ayes, 22. Noes, none. Excused, 3 (Menor, Slom, Whalen).

**ADOPTION OF RESOLUTION**

**MATTER DEFERRED FROM FRIDAY, APRIL 18, 2008**

Stand. Com. Rep. No. 3606 (H.C.R. No. 245, H.D. 1, S.D. 1):

On motion by Senator Ige, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.C.R. No. 245, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO ITS LAWSUITS RELATING TO ITS DEVELOPMENT CONTRACTS, PROJECTS, AND PROCUREMENT PRACTICES, AND THE JUSTIFICATION FOR ITS EXISTENCE," was adopted.

**ADOPTION OF RESOLUTION**

H.C.R. No. 81, H.D. 1:

On motion by Senator Ige, seconded by Senator Hemmings and carried, H.C.R. No. 81, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DESIGNATION OF APRIL 6TH OF EVERY YEAR AS TARTAN DAY IN HAWAII," was adopted.

**RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION**

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

House  
Concurrent  
Resolution

Referred to:

H.C.R. No. 231, H.D. 1      Committee on Judiciary and Labor

Senator Baker, Chair of the Committee on Ways and Means, requested that the referral of H.C.R. No. 62 to the Committee on Ways and Means be waived.

Senator Baker noted:

"Madam President, this is the deadline for transmitting H.C.R.s to the House. This is a matter that we've had some discussion on previously in both Ways and Means and Health Committee as well as CPH and I believe that by moving the waiver forward will actually get the information requested that will help us provide appropriate health coverage in the future."

The Chair then granted the waiver.

On motion by Senator Baker, seconded by Senator Tsutsui and carried, H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO STUDY THE SOCIAL AND FINANCIAL IMPACT OF MANDATORY HEALTH INSURANCE COVERAGE FOR USE OF MEDICAL SURVEILLANCE SYSTEMS," was adopted.

**APPOINTMENT OF CONFEREES**

S.B. No. 1035, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 1035, and the request for a conference on the subject matter thereof, the President appointed Senators Tokuda, chair; Fukunaga, co-chair; English and Whalen as managers on the part of the Senate at such conference.

Senator Trimble rose to speak on a point of personal privilege.

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

"Colleagues, can you imagine my surprise last Friday when I heard Ben Villaflor, Sergeant-at-Arms, calling for a Republican Senator to show up at a Joint Committee for vote taking?"

"It reminded me of standing up on Wednesday and questioning then the head of the state's Ethic Commission, saying that accepting free air transportation, ground transportation, and hotel accommodation from two to four days was not in a conflict of interest. I've thought about the remarks I made on Wednesday. I thought I'd repeat them so that no one would stand and say that I had possibly said something behind their back. I find what the Ethics Commission said was confusing. I wonder if Dan Mollway had complete information when he rendered his opinion. I will be requesting further information from him.

"And I'm also curious, Madam President, of the length of time of absences that you approved. Because I notice when I look around the room that not all members that went on that trip are in Chambers today. And I was just curious when we will have a full contingency to worry about what we're doing this week, which is truly crunch time. This is when we're supposed to be worrying about differences in wordings between House versions and Senate versions. And in my five years in, or six years in the Hawai'i State Senate, I've never seen that so many people were approved to go on a trip at one time—particularly during conference committee time. And I find it puzzling. Thank you."

**ADJOURNMENT**

At 1:01 p.m., on motion by Senator Ige, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 a.m., Tuesday, April 22, 2008.