

THIRTY-SECOND DAY

Thursday, March 17, 2005

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2005, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bob Nakata, Kahaluu United Methodist Church, after which the Roll was called showing all Senators present.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 426 to 428) were read by the Clerk and were placed on file:

Gov. Msg. No. 426, letter dated March 9, 2005, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the amount of \$4,140,000, pursuant to Act 200, Section 129, SLH 2003, as amended by Act 41, SLH 2004.

Gov. Msg. No. 427, letter dated March 9, 2005, notifying the Senate that she has approved the expenditure of non-appropriated federal funds for the Department of Transportation in the amount of \$1,092,500, pursuant to Act 200, Section 129, SLH 2003, as amended by Act 41, SLH 2004.

Gov. Msg. No. 428, dated March 10, 2005, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2004.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1024) recommending that H.B. No. 1206, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1206, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1025) recommending that H.B. No. 465, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 465, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARDS OF REGISTRATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1026) recommending that H.B. No. 1387 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No.

1387, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE CIVIL DEFENSE POSITIONS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1027) recommending that the Senate advise and consent to the nominations to the Procurement Policy Board of the following:

GREG KING, in accordance with Gov. Msg. No. 247; and

RICHARD G. TOTTEN, in accordance with Gov. Msg. No. 248.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1027 and Gov. Msg. Nos. 247 and 248 was deferred until Friday, March 18, 2005.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1028) recommending that the Senate advise and consent to the nominations to the Wireless Enhanced 911 Board of the following:

PAUL K. FERREIRA, in accordance with Gov. Msg. No. 294;

ROY K. IREI, in accordance with Gov. Msg. No. 296;

JOHN PETER JAEGER, in accordance with Gov. Msg. No. 297;

JOEL K. MATSUNAGA, in accordance with Gov. Msg. No. 298;

MILTON M. MATSUOKA, in accordance with Gov. Msg. No. 299;

RICHIE NAKASHIMA, in accordance with Gov. Msg. No. 300;

DEXTER TAKASHIMA, in accordance with Gov. Msg. No. 301; and

JEFF YAMANE, in accordance with Gov. Msg. No. 302.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1028 and Gov. Msg. Nos. 294, 296, 297, 298, 299, 300, 301 and 302 was deferred until Friday, March 18, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1029) recommending that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

HOWARD KONG KAM JR., in accordance with Gov. Msg. No. 124; and

RANDALL T. KAYA, in accordance with Gov. Msg. No. 125.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1029 and Gov. Msg. Nos. 124 and 125 was deferred until Friday, March 18, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1030) recommending that the Senate advise and consent to the nominations to the Board of Acupuncture of the following:

KWANG CHAI, in accordance with Gov. Msg. No. 126; and

ANDREW L. PEPPER, in accordance with Gov. Msg. No. 127.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1030 and Gov. Msg. Nos. 126 and 127 was deferred until Friday, March 18, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1031) recommending that the Senate advise and consent to the nominations to the State Board of Barbering and Cosmetology of the following:

HEIDI M. K. FOWLER, in accordance with Gov. Msg. No. 134; and

CARLA M. MORIOKA, in accordance with Gov. Msg. No. 135.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1031 and Gov. Msg. Nos. 134 and 135 was deferred until Friday, March 18, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1032) recommending that the Senate advise and consent to the nomination of GAY PORTER to the Cable Advisory Committee, in accordance with Gov. Msg. No. 136.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1032 and Gov. Msg. No. 136 was deferred until Friday, March 18, 2005.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 1033) recommending that the Senate advise and consent to the nomination of NICHOLAS G. OPIE DC to the State Board of Chiropractic Examiners, in accordance with Gov. Msg. No. 137.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1033 and Gov. Msg. No. 137 was deferred until Friday, March 18, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1034) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

BERNADETTE GRUZINSKY, in accordance with Gov. Msg. No. 152;

JOHN R. HOFF, in accordance with Gov. Msg. No. 153;

JULIE JOW, in accordance with Gov. Msg. No. 154;

HAROLD K. KOZUMA, in accordance with Gov. Msg. No. 155;

DONALD K. MATSUI, in accordance with Gov. Msg. No. 156;

SANDRA S. RONGITSCH, in accordance with Gov. Msg. No. 157;

RUTH S. STEPULIS, in accordance with Gov. Msg. No. 158;

DIANE M. STOWELL, in accordance with Gov. Msg. No. 159; and

KEN TAKEUCHI, in accordance with Gov. Msg. No. 160.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1034 and Gov. Msg. Nos. 152, 153, 154, 155, 156, 157, 158, 159 and 160 was deferred until Friday, March 18, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1035) recommending that the Senate advise and consent to the nomination of ROBERT L. SIMMONS MD to the Medical Advisory Board, in accordance with Gov. Msg. No. 203.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1035 and Gov. Msg. No. 203 was deferred until Friday, March 18, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1036) recommending that the Senate advise and consent to the nominations to the Commission on Transportation of the following:

WILLIAM LINDEMANN, in accordance with Gov. Msg. No. 286;

KUUHAKU PARK, in accordance with Gov. Msg. No. 287; and

GAIL YUH, in accordance with Gov. Msg. No. 288.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1036 and Gov. Msg. Nos. 286, 287 and 288 was deferred until Friday, March 18, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1037) recommending that the Senate advise and consent to the nominations to the Emergency Medical Services Advisory Committee of the following:

DIANE M. IRONS, in accordance with Gov. Msg. No. 161;

STUART DAVID LERNER M.D., in accordance with Gov. Msg. No. 162;

IAN T. SANTEE, in accordance with Gov. Msg. No. 163;

WILLIAM T. WATKINS JR., in accordance with Gov. Msg. No. 164; and

MILLICENT WELLINGTON, in accordance with Gov. Msg. No. 165.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1037 and Gov. Msg. Nos. 161, 162, 163, 164 and 165 was deferred until Friday, March 18, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1038) recommending that the Senate advise and consent to the nominations to the Board of Health of the following:

MAILE BURKE MPA, in accordance with Gov. Msg. No. 181;

JASON E. MADDOCK PHD, in accordance with Gov. Msg. No. 182; and

ROGER B. MCKEAGUE, in accordance with Gov. Msg. No. 183.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1038 and Gov. Msg. Nos. 181, 182 and 183 was deferred until Friday, March 18, 2005.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1039) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawaii Health Systems Corporation of the following:

ROSANNE C. HARRIGAN EDD, in accordance with Gov. Msg. No. 184;

SAMUEL DWIGHT LYONS MD, in accordance with Gov. Msg. No. 185;

CAROL MYRIANTHIS RPT, PSYD, in accordance with Gov. Msg. No. 186;

BRIAN K. NAKASHIMA, in accordance with Gov. Msg. No. 187;

TYLER SMITH, in accordance with Gov. Msg. No. 188; and

ROBERT VALENCIA SR., in accordance with Gov. Msg. No. 189.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1039 and Gov. Msg. Nos. 184, 185, 186, 187, 188 and 189 was deferred until Friday, March 18, 2005.

Senator Inouye, for the Committee on Transportation and Government Operations, presented a report (Stand. Com. Rep. No. 1040) recommending that H.B. No. 555 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 555, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Second Reading and was referred to the Committee on Ways and Means.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:58 o'clock a.m.

ORDER OF THE DAY

ADVISE AND CONSENT

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

By unanimous consent, action on Stand. Com. Rep. No. 1019 and Gov. Msg. No. 119 was deferred until Thursday, March 24, 2005.

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

By unanimous consent, action on Stand. Com. Rep. No. 1020 and Gov. Msg. No. 143 was deferred until Thursday, March 24, 2005.

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

By unanimous consent, action on Stand. Com. Rep. No. 1021 and Gov. Msg. No. 251 was deferred until Thursday, March 24, 2005.

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

By unanimous consent, action on Stand. Com. Rep. No. 1022 and Gov. Msg. Nos. 252 and 253 was deferred until Thursday, March 24, 2005.

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

By unanimous consent, action on Stand. Com. Rep. No. 1023 and Gov. Msg. Nos. 254 and 255 was deferred until Thursday, March 24, 2005.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill	Referred to:
No. 85, H.D. 2	Committee on Transportation and Government Operations, then to the Committee on Water, Land, and Agriculture
No. 98, H.D. 2	Committee on Water, Land, and Agriculture
No. 109, H.D. 1	Committee on Water, Land, and Agriculture, then to the Committee on Judiciary and Hawaiian Affairs
No. 1303, H.D. 2	Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means
No. 1393, H.D. 2	Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means
No. 1413, H.D. 1	Committee on Judiciary and Hawaiian Affairs
No. 1731, H.D. 2	Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Judiciary and Hawaiian Affairs and the Committee on Water, Land, and Agriculture, then to the Committee on Ways and Means

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

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

"Mr. President, last night at the Kalihi/Palama neighborhood board meeting, of which I was not in attendance because we were at another function, my staff person took some copious notes, and I'd like to raise this because some erroneous statements were made at the neighborhood board meeting by a staff member of the good Senator from Waikiki. At that meeting, this staff person stood up and said that the Senator wished to convey this: If Legislators ask for a raise, do not believe them. Legislators are not underpaid. They work only three months – March, April, May. If you divide their salary by that amount of days, they make \$1,000 an hour. Senate Chambers are basically ceremonial. In Sessions, decisions are done in Committee and that the Senator from Waikiki has the record for the most 'no' votes – 106 votes. The reason for that is that there is a contest for who can spend your tax dollars the fastest. And then she goes on to talk about the Chair of the

Education Committee, the Chair of the WAM Committee, and the Chair of the Labor Committee, and I'm not going to go into those.

"Mr. President, the point of this matter is that if this staff person would like to represent that her Senator only works March, April and May, then she should do so, but certainly not the rest of us. Clearly, Mr. President, I work all year long, and from the months of December to June, I can honestly say I work overtime. And I'm sure many members on this Floor do the same. If the Senator from Waikiki makes \$1,000 an hour, then by all means we should look into this.

"Also, if in fact the Senate Chambers are basically ceremonial, Mr. President, I ask what is this 12 to 12 vote that we recently took? Was that ceremonial? And if it is ceremonial, then perhaps the Senator shouldn't stand up and vote 106 times 'no,' because after all, it's just ceremonial. And perhaps the Senator shouldn't stand up and speak 60 times. And yes, we can all stand up and speak as many times as we want on this Floor, but if every one of us stood up and spoke 60 times, if we even spoke for just one minute, 24 of us, then we'd be here for 24 hours, Mr. President, and that doesn't even include you speaking.

"So I would ask in the future that staff – STAFF – would be educated and advise us to what's going on and when they speak at these meetings that they speak on their behalf and their Senator's behalf and not on the behalf of the rest of us.

"Thank you."

Senator Hanabusa rose at this time and said:

"Mr. President, since we're somewhat correcting the record, I feel compelled to stand and say that the good Senator from Kahuku to my right misspoke about my birthday, though I do appreciate his good wishes yesterday. Being the somewhat suspicious person that I am, I figured out, Mr. President, that there was a purpose, and sure enough there was. Monday was the good Senator from Kahuku's birthday and none of us recognized it. So I would like to say that it was probably his way of telegraphing to us that we do not forget his birthday or he's going to stand up and say that everybody else's birthday is around the same time. (Laughter.)

"Mr. President, on all of our behalves I'd like to wish the good Senator a belated happy birthday and to ask him to stop saying happy birthday to everybody because we've now recognized his day. Thank you very much Mr. President."

ADJOURNMENT

At 12:03 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Friday, March 18, 2005.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate