

## THIRTIETH DAY

Tuesday, March 14, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:38 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Will Espero, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senators Hee, Hooser and Ihara who were excused.

The President announced that he had read and approved the Journal of the Twenty-Ninth Day.

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.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 303 to 305) were read by the Clerk and were placed on file:

Gov. Msg. No. 303, dated December 29, 2005, transmitting the Department of Accounting and General Services' Report on Transfers Between the Department of Education and the Department of Accounting and General Services for the Period Between December 1, 2004 to November 30, 2005, pursuant to Act 178, Section 168, SLH 2005.

Gov. Msg. No. 304, dated January 10, 2006, transmitting a report prepared by the Department of Human Services and the Department of Health, pursuant to H.C.R. No. 277 (2005), requesting a one-year extension of the statewide interagency task force to continue to develop a plan for coordination and expansion of services provided through Healthy Start to young children and their families.

Gov. Msg. No. 305, dated February 22, 2006, transmitting proposed changes to the FY 2007 Executive Supplemental Budget.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 350 and 351) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 350, transmitting H.B. No. 1900, H.D. 1, which passed Third Reading in the House of Representatives on March 13, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 1900, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Committee on Ways and Means.

Hse. Com. No. 351, transmitting H.B. No. 2500, H.D. 2, which passed Third Reading in the House of Representatives on March 13, 2006, was placed on file.

On motion by Senator Baker, seconded by Senator Hogue and carried, H.B. No. 2500, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on

Committee on Judiciary and Hawaiian Affairs, then to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 61 to 68) were read by the Clerk and were referred to committees or deferred:

Senate Concurrent Resolution

No. 61 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE AUDITOR CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

Offered by: Senators Sakamoto, Nishihara, Hooser, Kim, Baker, Tsutsui, Kokubun, Hee, Hanabusa.

Referred to: Committee on Education and Military Affairs, then to the Committee on Ways and Means

No. 62 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR PROCLAIM THE SECOND SATURDAY IN OCTOBER AS 'E HO'OLA I NA ALA HELE DAY' - 'TO GIVE LIFE TO THE TRAILS DAY.'"

Offered by: Senator Whalen.

Referred to: Committee on Water, Land, and Agriculture

No. 63 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION SUPPORT LEGISLATION REQUIRING THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCATE AND REMOVE CHEMICAL AND CONVENTIONAL MUNITIONS DUMPED AT SEA FOLLOWING WORLD WAR II."

Offered by: Senators Espero, Ige, Hooser, Inouye, Ihara, Bunda.

Referred to: Committee on Energy, Environment, and International Affairs, then to the Committee on Education and Military Affairs

No. 64 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAIIAN AIRLINES TO RECONSIDER ITS DECISION TO DISALLOW THE TRANSPORT OF LIFE SAVING ORGANS FOR ORGAN TRANSPLANTS ON ITS FLIGHTS."

Offered by: Senators Espero, Inouye, Ige, Hooser, Ihara, Bunda.

Referred to: Committee on Health, then to the Committee on Transportation and Government Operations

No. 65 "SENATE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII."

Offered by: Senators Espero, Ige, Hooser, Inouye, Ihara, Bunda.

Referred to: Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Business and Economic Development, then to the Committee on Ways and Means

No. 66 "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU STUDY AND EVALUATE THE FEASIBILITY OF ESTABLISHING AN ECONOMIC REDEVELOPMENT AGENCY FOR THE URBAN CORE OF HONOLULU."

Offered by: Senators Menor, Inouye, Baker, Chun Oakland, Sakamoto, Kanno, Ige, Hanabusa, Nishihara, Ihara.

No. 67 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM."

Offered by: Senator Chun Oakland.

No. 68 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS."

Offered by: Senator Chun Oakland.

**SENATE RESOLUTIONS**

The following resolutions (S.R. Nos. 39 to 45) were read by the Clerk and were referred to committees or deferred:

Senate Resolution

No. 39 "SENATE RESOLUTION REQUESTING THAT THE AUDITOR CONDUCT A FISCAL AUDIT AND THE DEPARTMENT OF EDUCATION CONDUCT A PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM."

Offered by: Senators Sakamoto, Hooser, Nishihara, Kim, Baker, Tsutsui, Kokubun, Hee, Hanabusa, Hogue.

Referred to: Committee on Education and Military Affairs, then to the Committee on Ways and Means

No. 40 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION SUPPORT LEGISLATION REQUIRING THE UNITED STATES DEPARTMENT OF DEFENSE TO LOCATE AND REMOVE CHEMICAL AND CONVENTIONAL MUNITIONS DUMPED AT SEA FOLLOWING WORLD WAR II."

Offered by: Senators Espero, Ige, Hooser, Inouye, Ihara, Bunda.

Referred to: Committee on Energy, Environment, and International Affairs, then to the Committee on Education and Military Affairs

No. 41 "SENATE RESOLUTION REQUESTING HAWAIIAN AIRLINES TO RECONSIDER ITS DECISION

TO DISALLOW THE TRANSPORT OF LIFE SAVING ORGANS FOR ORGAN TRANSPLANTS ON ITS FLIGHTS."

Offered by: Senators Espero, Inouye, Ige, Hooser, Ihara, Bunda.

Referred to: Committee on Health, then to the Committee on Transportation and Government Operations

No. 42 "SENATE RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII."

Offered by: Senators Espero, Ige, Hooser, Inouye, Ihara, Bunda.

Referred to: Jointly to the Committee on Media, Arts, Science and Technology and the Committee on Business and Economic Development, then to the Committee on Ways and Means

No. 43 "SENATE RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU STUDY AND EVALUATE THE FEASIBILITY OF ESTABLISHING AN ECONOMIC REDEVELOPMENT AGENCY FOR THE URBAN CORE OF HONOLULU."

Offered by: Senators Menor, Inouye, Baker, Chun Oakland, Sakamoto, Hanabusa, Ihara, Ige.

No. 44 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM."

Offered by: Senator Chun Oakland.

No. 45 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS."

Offered by: Senator Chun Oakland.

**STANDING COMMITTEE REPORTS**

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2921) recommending that the Senate advise and consent to the nomination of ELVIRA LEE to the State Council on Developmental Disabilities, in accordance with Gov. Msg. No. 263.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2921 and Gov. Msg. No. 263 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2922) recommending that the Senate advise and consent to the nominations to the Statewide Health Coordinating Council of the following:

DAVID W. HEYWOOD, in accordance with Gov. Msg. No. 270;

WAYNE SACHIO HIGAKI, in accordance with Gov. Msg. No. 271; and

VIRGINIA PRESSLER MD, MBA, FACS, in accordance with Gov. Msg. No. 272.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2922 and Gov. Msg. Nos. 270, 271 and 272 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2923) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

DEAN T. AOKI, in accordance with Gov. Msg. No. 264;

CHARLES W. FLEMING, in accordance with Gov. Msg. No. 265; and

DEAN M. GEORGIEV, in accordance with Gov. Msg. No. 266.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2923 and Gov. Msg. Nos. 264, 265 and 266 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2924) recommending that the Senate advise and consent to the nomination of GARY F. MICHELL to the Mental Health and Substance Abuse, Hawai'i Service Area Board, in accordance with Gov. Msg. No. 279.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2924 and Gov. Msg. No. 279 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2925) recommending that the Senate advise and consent to the nomination of MARY JO KEEFE to the Drug Product Selection Board, in accordance with Gov. Msg. No. 267.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2925 and Gov. Msg. No. 267 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2926) recommending that the Senate advise and consent to the nomination of DONALD K. MATSUI to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 268.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2926 and Gov. Msg. No. 268 was deferred until Wednesday, March 15, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 2927) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Windward Oahu Subarea, of the following:

GREIG E. GASPAS, in accordance with Gov. Msg. No. 273; and

CHRISTOPHER J. LUTZ, in accordance with Gov. Msg. No. 274.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 2927 and Gov. Msg. Nos. 273 and 274 was deferred until Wednesday, March 15, 2006.

## ORDER OF THE DAY

### ADVISE AND CONSENT

Stand. Com. Rep. No. 2920 (Gov. Msg. No. 231):

Senator Kanno moved that Stand. Com. Rep. No. 2920 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of MARIE LADERTA as the Director of the Department of Human Resources Development, term to expire December 4, 2006, seconded by Senator Taniguchi.

Senator Kanno rose in support of the nominee and said:

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

"Mr. President, your Labor Committee held a public hearing on the nominee and Marie Laderta is a graduate of High School on Oahu, holds a Bachelor of Arts degree in English from Marquette University in Milwaukee and a Juris Doctor from the John Marshall School of Law in Chicago. She began her career as a bilingual teacher at Lunalilo Elementary School and was also employed at Philippine Airlines and Northwest Airlines. After graduating from law school, she practiced intellectual property law in Chicago until returning to Hawaii to serve as an associate with the law firms of Turk and Agena and Leavitt, Yamane, and Soldner. She began her career in public service in 1998 as a Deputy Attorney General in the Tort Litigation Division where she quickly advanced to a supervisory role and was subsequently honored as the Department of the Attorney General's Manager of the Year for 2002. She also served as the Deputy Director of the Department of Taxation until her interim appointment as the Director of the Department of Human Resources Development in August of last year.

"At the hearing, the nominee represented a willingness to maintain an open mind regarding all issues presented, demonstrated a commitment to civil service reform including reducing the number of civil service exempt positions, as appropriate, and showed a commitment to addressing current and future labor shortages and vacant hard-to-fill positions through proper preparation. The committee room was packed and the nominee received unanimous testimony in support of her nomination from both the public and private sectors, and management and labor alike.

"Mr. President, I strongly urge my colleagues to vote in support of Marie Laderta as Director of the Department of Human Resources Development. Thank you."

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

"Mr. President, I, too, rise in support of Gov. Msg. No. 231.

"At that Labor hearing, we were all impressed by a number of things by the nominee – her breadth of experience, the fact that she has broad knowledge in so many different departments of government, the fact that so many people came forward – people that have worked with her and for her – and proclaimed how she was a wonderful manager, how she's a hands-on person and got involved in everything that she did.

"We did have a couple of questions, however. When we were talking about her ethnicity, we found out that she was one-fourth this and one-fourth that and about six-fourths other

things, so we're still not sure how many fourths she's got of ethnicity.

"I guess the thing that really impressed us the most was she allowed her family to come there but gave them strict instructions that they were not to say a word (laughter), and believe it or not, they obeyed her. She is a terrific example of the very best in those that are committed to public service, to helping all the people, and we are very proud to support her and ask all of our colleagues to give their support as well.

"Thank you, Mr. President."

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

Ayes, 22. Noes, none. Excused, 3 (Hee, Hooser, Ihara).

At this time, Senator Kanno introduced Ms. Laderta and her family to the members of the Senate.

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

The Senate reconvened at 12:08 o'clock p.m.

**HOUSE COMMUNICATION**

**MATTER DEFERRED FROM  
MONDAY, MARCH 13, 2006**

H.C.R. No. 15 (Hse. Com. No. 349):

By unanimous consent, action on H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was deferred until Wednesday, March 15, 2006.

**RE-REFERRAL OF A HOUSE BILL**

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

House Bill                      Referred to:

No. 3261, H.D. 1      Committee on Business and Economic Development, then to the Committee on Ways and Means

**MISCELLANEOUS COMMUNICATION**

Misc. Com. No. 4, from the Hawaii Health Systems Corporation, dated January 6, 2006, transmitting the Annual Report for the Program of All-Inclusive Care for the Elderly (PACE) for the Fiscal Year Ending June 30, 2005, was read by the Clerk and was placed on file.

**ADJOURNMENT**

At 12:08 o'clock p.m., on motion by Senator Baker, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 15, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate