

## FIFTIETH DAY

Tuesday, April 18, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 9:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Norman Nakanishi, Grace Bible Church of Pearl City, after which the Roll was called showing all Senators present with the exception of Senators Kim and Taniguchi who were excused.

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

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 417 to 419) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 417, informing the Senate that on April 17, 2006, she signed into law Senate Bill No. 2601 as Act 8, entitled: "RELATING TO DOCUMENTS SEALED UPON FILING," was placed on file.

Gov. Msg. No. 418, advising the Senate of the withdrawal of the nomination of DARYL-JEAN WONG to the Health Planning Council, Honolulu Subarea, under Gov. Msg. No. 331, dated March 23, 2006, was placed on file.

In compliance with Gov. Msg. No. 418, the nomination listed under Gov. Msg. No. 331 was returned.

Gov. Msg. No. 419, advising the Senate of the withdrawal of the nomination of ANGES M. GROFF to the Health Planning Council, Maui County Subarea, under Gov. Msg. No. 332, dated March 23, 2006, was placed on file.

In compliance with Gov. Msg. No. 419, the nomination listed under Gov. Msg. No. 332 was returned.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 757 to 764) were read by the Clerk and were placed on file:

Hse. Com. No. 757, returning S.C.R. No. 15, S.D. 1, which was adopted by the House of Representatives on April 17, 2006.

Hse. Com. No. 758, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 17, 2006, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 877, H.D. 2, S.D. 1;  
H.B. No. 1233, H.D. 1, S.D. 1; and  
H.B. No. 2434, S.D. 1.

Hse. Com. No. 759, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 17, 2006, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1982, H.D. 2, S.D. 1;  
H.B. No. 1984, H.D. 1, S.D. 1;

H.B. No. 2508, H.D. 2, S.D. 1; and  
H.B. No. 3253, S.D. 1.

Hse. Com. No. 760, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 17, 2006, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1983, H.D. 1, S.D. 1;  
H.B. No. 2207, H.D. 1, S.D. 1; and  
H.B. No. 2898, S.D. 1.

Hse. Com. No. 761, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2443, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2443, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 17, 2006.

Hse. Com. No. 762, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to H.B. No. 2780, H.D. 1, and the amendments proposed by the Senate were agreed to by the House and H.B. No. 2780, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 17, 2006.

Hse. Com. No. 763, informing the Senate that the House reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House bills and has on April 17, 2006, agreed to the amendments and passed said bills on Final Reading:

H.B. No. 1, H.D. 2, S.D. 1;  
H.B. No. 173, H.D. 1, S.D. 1;  
H.B. No. 1155, H.D. 1, S.D. 2;  
H.B. No. 1833, H.D. 1, S.D. 2;  
H.B. No. 1899, H.D. 1, S.D. 1;  
H.B. No. 1947, S.D. 1;  
H.B. No. 2050, H.D. 2, S.D. 1;  
H.B. No. 2192, H.D. 2, S.D. 2;  
H.B. No. 2210, S.D. 1;  
H.B. No. 2273, S.D. 1;  
H.B. No. 2275, S.D. 1;  
H.B. No. 2346, S.D. 1;  
H.B. No. 2347, S.D. 1;  
H.B. No. 2454, H.D. 1, S.D. 2;  
H.B. No. 2457, H.D. 1, S.D. 1;  
H.B. No. 2747, H.D. 2, S.D. 1;  
H.B. No. 3018, H.D. 1, S.D. 1;  
H.B. No. 3194, H.D. 1, S.D. 1; and  
H.B. No. 3257, H.D. 1, S.D. 2.

Hse. Com. No. 764, informing the Senate that the Speaker on April 17, 2006, made the following changes to the conferees on the following bill:

H.B. No. 2454, H.D. 1 (S.D. 2):

Discharged Representatives Luke and Nishimoto as co-chairs.

## STANDING COMMITTEE REPORTS

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3636) recommending that the Senate advise and consent to the nomination of GILBERT PERRY HAGER MD to the

Board of Physical Therapy, in accordance with Gov. Msg. No. 343.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3636 and Gov. Msg. No. 343 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3637) recommending that the Senate advise and consent to the nomination of THOMAS M. PHILLIPS to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 344.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3637 and Gov. Msg. No. 344 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3638) recommending that the Senate advise and consent to the nomination of ALLYSON M. TANOUYE to the Board of Psychology, in accordance with Gov. Msg. No. 345.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3638 and Gov. Msg. No. 345 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3639) recommending that the Senate advise and consent to the nomination of GORDON D. CIANO to the State Board of Public Accountancy, in accordance with Gov. Msg. No. 314.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3639 and Gov. Msg. No. 314 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3640) recommending that the Senate advise and consent to the nomination of BETTY LOU LARSON to the Board of Directors of the Housing and Community Development Corporation of Hawaii (HCDCH), in accordance with Gov. Msg. No. 335.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3640 and Gov. Msg. No. 335 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3641) recommending that the Senate advise and consent to the nomination of LOUIS E. ABRAMS to the Real Estate Commission, in accordance with Gov. Msg. No. 348.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3641 and Gov. Msg. No. 348 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3642) recommending that the Senate advise and consent to the nomination of JEAN L. JOHNSON to the State Council on Developmental Disabilities, in accordance with Gov. Msg. No. 321.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3642 and Gov. Msg. No. 321 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3643) recommending that the Senate advise and consent to the nomination of JENNIFER DIESMAN to the Health Planning Council, Honolulu Subarea, in accordance with Gov. Msg. No. 330.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3643 and Gov. Msg. No. 330 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3644) recommending that the Senate advise and consent to the nominations to the Disability and Communication Access Board of the following:

SHARON MONELANI FOUNTAIN, in accordance with Gov. Msg. No. 322;

BRIAN KAJIYAMA, in accordance with Gov. Msg. No. 323; and

CHRISTINA M. PILKINGTON, in accordance with Gov. Msg. No. 324.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3644 and Gov. Msg. Nos. 322, 323 and 324 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3645) recommending that the Senate advise and consent to the nomination of JULIETTE M. TULANG to the Health Planning Council, Hawaii County Subarea, in accordance with Gov. Msg. No. 329.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3645 and Gov. Msg. No. 329 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3646) recommending that the Senate advise and consent to the nomination of GLENN ALBERT WEBSTER to the Mental Health and Substance Abuse, Hawaii Service Area Board, in accordance with Gov. Msg. No. 339.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3646 and Gov. Msg. No. 339 was deferred until Wednesday, April 19, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3647) recommending that the Senate advise and consent to the nomination of DAVID WILLIAM MAY to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 325.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3647 and Gov. Msg. No. 325 was deferred until Wednesday, April 19, 2006.

Senator Fukunaga, for the Committee on Media, Arts, Science and Technology, presented a report (Stand. Com. Rep. No. 3648) recommending that the Senate advise and consent to the nomination of KIYOSHI IKEDA PH. D. to the Hawaii Historic Places Review Board, in accordance with Gov. Msg. No. 334.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3648 and Gov. Msg. No. 334 was deferred until Wednesday, April 19, 2006.

Senator Kim, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 3649) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawaii Tourism Authority of the following:

VERNON FOOK LEONG CHAR, in accordance with Gov. Msg. No. 356; and

KAWAIKAPUOKALANI K. HEWETT, in accordance with Gov. Msg. No. 357.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 3649 and Gov. Msg. Nos. 356 and 357 was deferred until Wednesday, April 19, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3650) recommending that H.C.R. No. 112, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3650 and H.C.R. No. 112, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was deferred until Wednesday, April 19, 2006.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 3651), recommending that H.C.R. No. 75, as amended in S.D. 1, 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.C.R. No. 75, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education and Military Affairs, presented a report (Stand. Com. Rep. No. 3652), recommending that H.C.R. No. 48, H.D. 1, 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.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS AT AGE FIFTY-FIVE," was referred to the Committee on Ways and Means.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3653) recommending that H.C.R. No. 34, H.D. 1, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3653 and H.C.R. No. 34, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS

AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was deferred until Wednesday, April 19, 2006.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3654) recommending that H.C.R. No. 274 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3654 and H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR MAINTAINING PEACE IN THE ASIA-PACIFIC WITH THE UNITED NATIONS AND WITH THE SUPPORT OF ALLIES AND FRIENDS," was deferred until Wednesday, April 19, 2006.

Senator English, for the Committee on Energy, Environment, and International Affairs, presented a report (Stand. Com. Rep. No. 3655) recommending that H.C.R. No. 275 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3655 and H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE CONTINUANCE OF PERSISTENT AND SKILLFUL DIPLOMACY IN RESOLVING NUCLEAR PROLIFERATION ISSUES WITH THE ISLAMIC REPUBLIC OF IRAN BEFORE THE UNITED NATIONS SECURITY COUNCIL UPON THE REFERRAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY," was deferred until Wednesday, April 19, 2006.

Senators English and Chun Oakland, for the Committee on Energy, Environment, and International Affairs and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 3656) recommending that H.C.R. No. 67 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3656 and H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was deferred until Wednesday, April 19, 2006.

#### APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 475, 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. 475, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Tsutsui, co-chair; Taniguchi, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2158, 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. 2158, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, Hanabusa, co-chairs; Baker, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2159, 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. 2159, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, Hanabusa, co-chairs; Baker, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2162, 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. 2162, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, co-chair; Fukunaga, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2188, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2188, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, co-chair; Hooser, Kokubun, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2290, 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. 2290, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, Hanabusa, co-chairs; Baker, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2292, 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. 2292, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, Hanabusa, co-chairs; Baker, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2293, 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. 2293, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, co-chair; Baker, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2323, 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. 2323, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, Tsutsui, co-chairs; Taniguchi, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2327, 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. 2327, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, co-chair; Hooser, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2334, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2334, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, Taniguchi, co-chairs; Fukunaga, Ihara, Whalen as managers on the part of the Senate at such conference.

S.B. No. 2461, 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. 2461, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Menor, Taniguchi, co-chairs; Baker, Kokubun, Tsutsui as managers on the part of the Senate at such conference.

S.B. No. 2546, S.D. 1 (H.D. 2):

The President discharged Senator Kanno as chair, Senator Inouye as a co-chair and Senator Fukunaga as a manager and appointed Senator Fukunaga as chair and Senators Ige, Inouye, Kanno, Slom as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2546, S.D. 1.

S.B. No. 2571 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2571, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Hanabusa, Taniguchi, co-chairs; Hogue as managers on the part of the Senate at such conference.

S.B. No. 2572, 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. 2572, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Tsutsui, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2688, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2688, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, Tsutsui, co-chairs; Fukunaga, Taniguchi, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2719, S.D. 2 (H.D. 1):

The President appointed Senator Kanno as a co-chair on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 2719, S.D. 2.

S.B. No. 3009, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3009, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Taniguchi, co-chair; Hemmings as managers on the part of the Senate at such conference.

S.B. No. 3021, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3021, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Hanabusa, co-chair, as managers on the part of the Senate at such conference.

S.B. No. 3035, 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. 3035, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Taniguchi, co-chair; Hogue as managers on the part of the Senate at such conference.

S.B. No. 3205, 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. 3205, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Tsutsui, co-chairs; Taniguchi, Whalen as managers on the part of the Senate at such conference.

S.B. No. 3215, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3215, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Tsutsui, co-chair; Hooser, Taniguchi, Trimble as managers on the part of the Senate at such conference.

S.B. No. 3247, S.D. 2 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 3247, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Tsutsui, co-chair; Baker, Taniguchi, Trimble as managers on the part of the Senate at such conference.

S.B. No. 3252, 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. 3252, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Tsutsui, co-chairs; Fukunaga, Ihara, Taniguchi, Trimble as managers on the part of the Senate at such conference.

H.B. No. 30, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 30, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Taniguchi, co-chairs; Tsutsui, Trimble as managers on the part of the Senate at such conference.

H.B. No. 439, H.D. 1 (S.D. 2):

The President discharged Senator Trimble as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 439, H.D. 1.

H.B. No. 1821, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1821, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Taniguchi, co-chairs; Fukunaga, Trimble as managers on the part of the Senate at such conference.

H.B. No. 1871, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1871, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Fukunaga, Hanabusa, co-chairs; Baker, Whalen as managers on the part of the Senate at such conference.

H.B. No. 1917, H.D. 2 (S.D. 2):

The President discharged Senator Ihara as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1917, H.D. 2.

H.B. No. 1995, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 1995, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, co-chair; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2043, H.D. 2 (S.D. 3):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2043, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Tsutsui, co-chair; Fukunaga, Taniguchi, Slom as managers on the part of the Senate at such conference.

H.B. No. 2097, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2097, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Taniguchi, co-chairs; Ihara, Tsutsui, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2133 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2133, and the request for a conference on the subject matter thereof, the President appointed Senators Kokubun, chair; Hanabusa, co-chair; Fukunaga, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2258, H.D. 1 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2258, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Taniguchi, co-chair; Tsutsui, Trimble as managers on the part of the Senate at such conference.

H.B. No. 2367, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2367, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hanabusa, co-chair; Whalen as managers on the part of the Senate at such conference.

H.B. No. 2691 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 2691, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Hanabusa, co-chair; Hogue as managers on the part of the Senate at such conference.

H.B. No. 3116, H.D. 2 (S.D. 2):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3116, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Baker, Tsutsui, co-chairs; Taniguchi, Trimble as managers on the part of the Senate at such conference.

H.B. No. 3194, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3194, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Hee, co-chair; Trimble as managers on the part of the Senate at such conference.

H.B. No. 3217, H.D. 1 (S.D. 1):

In accordance with the disagreement of the House to the amendments proposed by the Senate to H.B. No. 3217, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair; Tsutsui, co-chair; Ihara, Taniguchi, Trimble as managers on the part of the Senate at such conference.

At 9:46 o'clock a.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate stood in recess subject to the call of the Chair to meet in Joint Session with the House of Representatives, in accordance with House Concurrent Resolution No. 329, to award the Hawaii Medal of Honor to United States military service members with Hawaii connections who were killed in action while serving in dangerous, volatile, and unstable areas of the world, including Iraq and Afghanistan.

### JOINT SESSION

The Joint Session of the Senate and the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, was called to order at 10:04 o'clock a.m. by the Honorable Calvin Say, Speaker of the House of Representatives.

Speaker Say then stated:

"This is indeed a momentous occasion – a first of its kind – called to honor members of the Hawaii National Guard, the United States Military Reserves, and members of the Regular Armed Forces of the United States, with ties to Hawaii, who fought and died bravely in a combat zone designated by Presidential Order.

"On behalf of the Senate President and all of the members of the Hawaii State Legislature, I convey our deepest condolences to our very special guests – the family, friends and colleagues of loved ones who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence today."

At this time, the members of the Twenty-Third Legislature and special guests rose for the Posting of the Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard.

The members of the Legislature and guests remained standing for the singing of the National Anthem and "Hawaii Pono'i" by Ms. Traci Toguchi.

The Divine Blessing was then invoked by Mr. Ray Ganotise.

At this time, the Speaker thanked the Joint Service Color Guard, Royal Guard, Ms. Traci Toguchi, and Mr. Ray Ganotise for their participation in today's ceremony.

The Speaker then addressed the members of the Legislature and guests as follows:

"Today is a day where we have put aside our political and philosophical differences, to come together as one Body, to honor these brave men and women. Our Nation – the whole world – has been wounded deeply by the destruction caused by the enemies of peace, freedom and human rights. As Americans, we are a strong people – united in our resolve, respectful of our differences, taking strength from our diversity and richness of cultures.

"As Americans, we will not allow our resolve to waiver in the wake of the loss of our loved ones. Although their premature demise is very painful, and at times almost incomprehensible, take comfort in knowing that our Hawaii warriors were well-trained, and battle ready. They understood the risks, and yet they proudly wore their battle fatigues, carried our Nation's flag, and courageously departed and set their course into a hell called war.

"While I did not personally know any of the warriors being honored today – as a father of two young men – if I were seated in this Chamber among you, instead of standing here at this podium, I know my sadness would be tempered by pride. I would be proud to the core of my soul that my loved one sacrificed his life or her life to allow the rest of us surviving to live in a democracy, unfettered by fear.

"In the end, what matters most is that each fallen warrior made a difference. They gave us the greatest gift of all – freedom . . . freedom to enjoy everyday pleasures – watching the sunset, listening to the familiar ebb and flow of the ocean, smelling the plumeria blossoms in full bloom . . . and knowing that tomorrow will be yet another beautiful day in paradise.

"Before proceeding any further, I would like to acknowledge the presence of certain individuals on the Chamber Floor."

At this time, the Speaker welcomed and introduced the following distinguished guests to the members of the Twenty-Third Legislature:

The Honorable Linda Lingle, Governor of Hawaii;

The Honorable James R. Aiona, Jr., Lieutenant Governor of Hawaii;

The Honorable Daniel K. Akaka, United States Senate;

The Honorable Ed Case, United States House of Representatives;

Admiral Gary Roughhead, U.S. Pacific Fleet, and Mrs. Ellen Roughhead;

Lieutenant General Daniel P. Leaf, U.S. Pacific Command;

Lieutenant General John M. Brown, U.S. Army Pacific, and Mrs. Elaine Brown;

Lieutenant General John Goodman, U.S. Marine Corps, Pacific Forces, and Mrs. Gayle Goodman; and

Major General Robert G.F. Lee, Hawaii State Department of Defense.

The Speaker noted:

“Madame Clerk, please note for the record the receipt of correspondence from Hawaii’s Senior Senator, the Honorable Daniel K. Inouye, noting: ‘Uncommon courage, devotion to duty, love of our country, and the ultimate sacrifice of the 120 Hawaii Medal of Honor recipients.’”

At this time, the Speaker presented to the members of the Twenty-Third Legislature and special guests the Honorable Linda Lingle, Governor of the State of Hawaii.

The Governor addressed the Joint Session and guests as follows:

“Mr. Speaker, Mr. President, members of the Legislature, General Lee, families of our heroes, veterans, members of the Armed Services:

“It’s for a very sad but noble purpose that we’re gathered here today. I want to thank all those in the Legislature who took the time to plan to carry out this event. It’s an appropriate event for Hawaii because it doesn’t just recognize those who were born and raised in Hawaii, or those who grew up here, or those who went to school here, but everyone who was touched and who touched Hawaii. Those who were stationed here from all parts of the country, all are included today in our ohana, and it’s important to pause today to remember all of them.

“I didn’t know any of the heroes personally, but I’ve come to know many of the families by attending various funerals and services throughout this war on terror. I remember sitting with a mother of a young soldier, a soldier who had been so close to her church that she left her life insurance policy to the church, young woman who wanted to be a nun. She had come here from the Philippines as a youngster and had gone to high school here. I remember sitting with the wives of the Marines and the one Navy man who was shot down in Afghanistan. I sat with them and with their infant children in their small modest military housing and watched them deal with their lives, with their children who would never know their fathers, and I hoped that the children would one day appreciate the sacrifice that their father had made and that their mother made for our country.

“I especially remember sitting with the family of one of our National Guardsman from Hawaii and sitting in their modest home and listening to them talk about their beloved son, not only the parents, but his brother and his grandparents who had raised him from a small boy. He was the apple of their eye.

“It’s not an easy thing to sacrifice the way you have for our country. So we pause today to spend a few minutes to let you

know how appreciative we are, although we can never, never take away the pain that you feel. In our small way, we want you to know that we will always remember your loved one as a member of the ohana here in Hawaii.

“I remember a day, General Goodman, when we were out in Kaneohe. And I’m not certain you remember our conversation, but it stuck with me since that day and I carry it with me today as an embodiment of what we were talking about. It was another funeral, another memorial service and there were four marine families there that day from all parts of America who had come to Kaneohe to participate in a memorial service. And although I didn’t know any of the Marines – they didn’t go to school here, they didn’t grow up here – but I wanted their parents to know how much the people of Hawaii appreciated their sacrifice on our behalf so that we could gather in freedom the way we are today.

“One of the speakers that day was so eloquent. I don’t remember if he was a colonel or what his rank was exactly, but his remarks touched me so deeply that I went up to General Goodman afterwards and I commented to him about how touching and poignant the remarks were. General Goodman said to me that day, ‘after Vietnam,’ of which he is a veteran of, he said, ‘In Vietnam, we went over as a bunch of individuals; we came home as a bunch of individuals.’ And we all know, those of us of a certain age, know how they were greeted when they came home and most of us were ashamed by it today. But General Goodman said to me that day that ‘after Vietnam,’ he said, ‘we promised ourselves that we would never again let that happen in America – that we would go together; we would come home together; and we would honor everyone who sacrificed for our country, for our freedom, for our way of life.’

“Today is an embodiment of that idea that they weren’t a bunch of individuals – they were great Americans who were part of our ohana here in Hawaii. We honor them. We thank the families for their sacrifice, knowing there’s nothing we can do that’s going to take away the pain and the emptiness that you feel, but we still want to make this attempt to let you know how deeply we appreciate what your son, your daughter, your husband, your auntie, your uncle, we want you to know we appreciate what they did for us as Americans so that our way of life could continue.”

The Speaker thanked the Governor for her remarks then called upon Major General Robert Lee to address the members of the Legislature and guests.

General Lee addressed the Joint Session and guests as follows:

“Good morning and aloha.

“We are a nation blessed with the finest military in all of human history. We have been blessed by great minds with great strength and determination that enables the United States of America to be the world’s leader and liberator of oppressed people. To become the world’s finest military, we have trained our forces better and harder than any other nation, and our forces are better equipped than any other nation.

“We are faced with difficult and challenging training, long separations from our families and loved ones, and we are challenged with great responsibilities and commitment. But in our profession of arms, there is nothing more difficult than losing one of our own. However, that degree of difficulty cannot be compared to the anguish suffered by family members who lose a loved one on the field of battle, this time in Afghanistan and Iraq.

"We can only imagine the pain of losing a son or daughter, husband or wife, father or mother while they served our nation in harm's way. This pain can be only lessened over time . . . if at all. We cannot truly feel their pain, nor can we, in any way, make up for that loss.

"As President Ronald Regan so eloquently stated, 'our young friends, who in our hearts you'll always be young, full of the love that is youth, love of life, love of joy, love of country.' You fought for your country for its safety and for the freedom of others with strength and courage. We honor you today.

"The State Medal of Honor is Hawaii's way in which we can remember that ultimate sacrifice to show our appreciation to the families and to assure them that they will always be part of this state's ohana. A circle of kalo or taro leaves is part of the Hawaii Medal of Honor. The word 'ohana' is derived from kalo and the circle is emblematic of the embrace of the people of Hawaii. Whether a fallen soldier, sailor, or marine grew up in Hawaii or were members of units based in Hawaii, he is still remembered and will always be a part of our ohana. The star in the coat of arms of the medal represents the 50<sup>th</sup> State star on the American flag and also represents today the person who is being honored. The star also evokes a symbol of America's past. During World Wars I and II, families that had a member of the armed forces would display a blue star on a banner or flag. If a service member from that family was killed in action, a gold star was often displayed in a window facing the street to let the neighborhood know that the life of a hero who had grown up there had been taken.

"Today, this medal is a token of gratitude from the State of Hawaii proclaiming to all that this is a family of a fallen hero. There is no greater sacrifice a family can make than the loss of their soldier, sailor, airman or marine while in service to our nation and there is no greater honor which we, the people of Hawaii, can bestow upon that family to symbolize their sacrifice.

"There is an attachment device at the middle of the red and yellow ribbon and it is a rendering of the ancient puela or flag. This ancient flag was raised at sea above the Hawaiian sailing canoes, and all who saw the puela from afar knew that a person of the highest rank or honor was coming. Today, this service ribbon and its attachment will remind us that these families are of the highest rank and honor.

"To paraphrase President Abraham Lincoln at Gettysburg – when brave soldiers, sailors, airmen, and marines die, it is their deeds, not our words that are remembered. It is their sacrifice that offers everlasting testimony to a love for others and their love for us.

"To the families of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today and forever shall be your devoted ohana.

"May God bless all of you and may God continue to bless the United States of America."

The Speaker then stated:

"Thank you, General Lee, for your leadership.

"Madame Clerk, please begin the announcement of the Hawaii Medal of Honor recipients."

At this time, the House Clerk proceeded to read the names of the following individuals who were represented by family members, friends and colleagues to receive their medals and certificates:

Sergeant Eugene Williams;  
Sergeant First Class Kelly Bolor;  
Chief Warrant Officer Ian D. Manuel;  
Specialist Phillip L. Witkowski;  
Staff Sergeant Todd E. Nunes;  
Sergeant Daniel Lee Galvan;  
Specialist Wesley R. Wells;  
Private First Class Joshua Kuile Paul Titcomb;  
Specialist Kyle K. Fernandez;  
Captain Christopher B. Johnson;  
Private First Class John Lukac;  
Lance Corporal Andrew G. Riedel;  
Petty Officer Julian Woods;  
Sergeant Rafael Peralta;  
Corporal Michael R. Cohen;  
Lieutenant Colonel Michael J. McMahon;  
Lance Corporal Blake A. Magaoay;  
First Lieutenant Nainoa K. Hoe;  
Staff Sergeant Brian D. Bland;  
Lance Corporal Jonathan E. Etterling;  
Sergeant Michael W. Finke, Jr.;  
Corporal Kyle J. Grimes;  
Lance Corporal Brian C. Hopper;  
Corporal Sean P. Kelly;  
Corporal James L. Moore;  
Lance Corporal Darrell J. Schumann;  
Corporal Matthew R. Smith;  
Lance Corporal Joseph B. Spence;  
Private First Class Stephen A. Castellano;  
Lance Corporal Sean P. Maher;  
Specialist Glenn J. Watkins;  
Private First Class Kevin S.K. Wessel;  
Lance Corporal Kevin B. Joyce;  
Machinist's Mate Second Class (SEAL) Shane E. Patton;  
Quartermaster Second Class (SEAL) James Suh;  
Sergeant Deyson K. Cariaga;  
Specialist Ray M. Fuhrmann II;  
Lance Corporal Phillip C. George;  
Sergeant Alfredo B. Silva;  
Sergeant Evan S. Parker;  
Colonel William W. Wood;  
Captain Raymond D. Hill II;  
Sergeant Wilgene T. Lieto;  
Specialist Derence W. Jack;  
Sergeant Daniel A. Tsue;  
Sergeant Myla L. Maravillosa;  
Private Lewis T.D. Calapini; and  
Private First Class Matthew L. Bertolino.

At this time, President Bunda stated:

"Members of the Senate and members of the House, please applaud the recipients' family members, friends and colleagues who have joined us in this Chamber today.

"Madame Clerk, please begin the announcement of the names of the other recipients of the Hawaii Medal of Honor whose families could not be present for today's ceremony."

The Senate Assistant Clerk proceeded to read the names of the following individuals whose families were not able to attend today's ceremony:

Staff Sergeant Cameron B. Sarno;  
Chief Warrant Officer Sharon Swartworth;  
Second Lieutenant Jeremy Wolfe;  
Private First Class Ernest H. Sutphin;  
Private First Class John D. Amos II;  
Staff Sergeant Oscar D. Medina;  
Specialist Ramon C. Ojeda;



Corporal David M. Fraise;  
 Specialist Joseph F. Herndon II;  
 Specialist Joseph C. Thibodeaux III;  
 Private First Class Jeungjin Nikky N. Kim;  
 Staff Sergeant Brian S. Hobbs;  
 Chief Warrant Officer 3 William I. Brennan;  
 Lance Corporal Richard P. Slocum;  
 Corporal Billy Gomez;  
 Lance Corporal Jeremy D. Bow;  
 Lance Corporal John T. Byrd II;  
 Sergeant Kelley L. Courtney;  
 Lance Corporal Travis A. Fox;  
 Corporal Christopher J. Lapka;  
 Lance Corporal Michael P. Scarborough;  
 Lance Corporal Aaron C. Pickering;  
 Lance Corporal David M. Branning;  
 Lance Corporal Brian A. Medina;  
 Private First Class Jose Ricardo Flores-Mejia;  
 Specialist Daniel James McConnell;  
 Lance Corporal Michael A. Downey;  
 Corporal Jacob R. Fleischer;  
 Corporal Dale E. Fracker, Jr.;  
 Chief Warrant Officer 2 Travis W. Grogan;  
 Specialist Harley D.R. Miller;  
 Specialist Isaac E. Diaz;  
 Specialist David P. Mahlenbrock;  
 Lance Corporal Jeffrey S. Blanton;  
 Lance Corporal Franklin A. Sweger;  
 First Lieutenant Travis J. Fuller;  
 Corporal Timothy M. Gibson;  
 Corporal Richard A. Gilbert, Jr.;  
 Lance Corporal Saeed Jafarkhani-Torshizi, Jr.;  
 Corporal Stephen P. Johnson;  
 Lance Corporal Allan Klein;  
 Corporal Timothy A. Knight;  
 Lance Corporal Fred L. Maciel;  
 Corporal Nathaniel K. Moore;  
 Lance Corporal Mourad Ragimov;  
 Lance Corporal Rhonald Dain Rairdan;  
 Lance Corporal Hector Ramos;  
 Lance Corporal Gael Saintvil;  
 Corporal Nathan A. Schubert;  
 First Lieutenant Dustin M. Shumney;  
 Lance Corporal Michael L. Starr, Jr.;  
 Petty Officer Third Class John D. House;  
 Sergeant Major Barbaralien Banks;  
 Master Sergeant Edwin A. Matos-Colon;  
 Lance Corporal Nicholas C. Kirven;  
 Corporal Richard P. Schoener;  
 Sergeant Arnold Duplantier II  
 Senior Chief Information Systems Technician (SEAL) Daniel R. Healy;  
 Lieutenant Michael P. Murphy;  
 Sonar Technician (Surface) Second Class (SEAL) Matthew G. Axelson;  
 Staff Sergeant Frank F. Tiai;  
 Specialist Mike T. Sonoda, Jr.;  
 Sergeant First Class Daniel R. Scheile;  
 Sergeant Paul C. Neubauer;  
 Lance Corporal Steven A. Valdez;  
 Sergeant Jerry L. Bonifacio;  
 Captain Michael J. Mackinnon;  
 Sergeant Shaker T. Guy;  
 Specialist Marcelino R. Corniel;  
 Chief Warrant Officer 2 Ruel M. Garcia;  
 Lance Corporal Billy D. Brixey, Jr.; and  
 Petty Officer Third Class John T. Fralish.

At this time, President Bunda made the following announcement:

“Members of the Senate and House, and special guests, please turn your attention to the rotunda level for the 21-gun salute. Members of the Air Force, please proceed.”

A 21-gun Salute and Taps were then carried out by the U.S. Air Force.

The President then gave his closing remarks:

“As a veteran of the U.S. Air Force and Hawaii Army National Guard, I am proud to be a part of this ceremony in honor of our fallen comrades, our heroes.

“I am proud and humbled by the enormity of their sacrifice.

“Yes, we honor 120 today, but each soldier leaves behind a wide circle of family and friends who sacrificed part of themselves as well.

“We honor and thank those countless individuals who not only lost their loved ones, but who also surrendered special dreams and hopes for the future.

“A grateful state and nation best honors and remembers the sacrifices of these soldiers by living our lives in deepest appreciation of our freedom. That is what they defended. That is what they fought and died for.

“Today, we remember, in moments of quiet reflection, each and every one of those heroes. We have joined together to honor their memory and express our profound gratitude for their ultimate sacrifice.

“Mahalo.”

At this time, the members of the Twenty-Third Legislature and special guests rose for the Retiring of the Colors by the Joint Service Color Guard and the Hawaii Air National Guard, Royal Guard.

At 11:17 o'clock a.m., President Bunda declared the Joint Session adjourned.

**ADJOURNMENT**

At 11:17 o'clock a.m., the Senate adjourned until 11:30 o'clock a.m., Wednesday, April 19, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate