

FIFTY-SIXTH DAY

Wednesday, April 25, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:49 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Malcolm Naea Chun, after which the Roll was called showing all Senators present with the exception of Senator English who was excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 789 to 793) were read by the Clerk and were placed on file:

Gov. Msg. No. 789, informing the Senate that on April 24, 2007, she signed into law House Bill No. 659 as Act 36, entitled: "RELATING TO TARO."

Gov. Msg. No. 790, informing the Senate that on April 24, 2007, she signed into law House Bill No. 1095 as Act 37, entitled: "RELATING TO HOUSING."

Gov. Msg. No. 791, informing the Senate that on April 24, 2007, she signed into law Senate Bill No. 53 as Act 38, entitled: "RELATING TO MARRIAGE AND FAMILY THERAPISTS."

Gov. Msg. No. 792, dated April 24, 2007, transmitting her statement of objections to House Bill No. 863 which she has returned to the House of Representatives without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 24, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 863

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 863, entitled 'A Bill for an Act Relating to Public Work Projects.'

The purpose of this bill is to mandate that a private construction project will be considered a public work project subject to chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works law, if the State or a political subdivision leases or is assigned more than fifty percent of the project. Copies of the lease agreement must be filed with the Department of Accounting and General Services and the Department of Labor and Industrial Relations.

Additionally, this bill requires the construction project owner submit weekly certified payrolls to the leasing governmental agency or the governmental agency using the leased or assigned space which, for the purposes of chapter 104, shall be deemed the governmental contracting agency.

Finally, this bill requires that prior to the start of construction, the construction project owner sign an agreement with the leasing governmental entity agreeing to pay the prevailing wage to the laborers and mechanics working on this project and to otherwise comply with the requirements of chapter 104.

This bill is objectionable because it is an unwarranted expansion of the types of projects that could be subject to public works projects rules and statutes. Currently, section 12-22-1 of the Hawaii Administrative Rules defines a public work to encompass a private construction project when the State or a political subdivision leases the entire building or structure and where: (1) the lease was entered into prior to construction of the structure or building; and (2) the construction work was performed according to plans, specifications, or criteria of the leasing governmental entity.

Expanding public works coverage to mixed public-private structures may inject confusion and needlessly increase the associated building costs of a private construction project. Smaller owners in particular may not want to develop commercial space for lease to the government because of the additional burden of complying with unfamiliar labor laws. It is anticipated that this bill will also probably limit or reduce the number of office buildings that will be available for lease to government agencies. This bill may likewise impede the development of mixed use housing projects, wherein some of the units were for market sale or rental and others were leased to a public housing corporation for elderly, Section 8, or transitional housing.

Finally, because this bill directs that certified payrolls be submitted to either the governmental leasing entity or the governmental agency accepting the construction project and not to the Department of Labor and Industrial Relations, this data will go to entities that have no authority to audit or enforce these payrolls, thereby inhibiting the enforcement of wage laws this bill attempts to impose on private projects.

For the foregoing reasons, I am returning House Bill No. 863 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 793, dated April 24, 2007, transmitting her statement of objections to Senate Bill No. 1642 which she has returned to the Senate without her approval and which reads as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 24, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1642

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my

approval, Senate Bill No. 1642, entitled 'A Bill for an Act Relating to Labor.'

The reported purpose of Senate Bill No. 1642 is to establish clear distinctions between mandatory, excluded, and permissive subjects of collective bargaining by (1) allowing negotiations over the procedures and criteria on promotions, transfers, assignments, demotions, discharges, or other disciplinary actions and (2) subjecting violations of negotiated and agreed upon procedures and criteria to the grievance procedure contained in a collective bargaining agreement.

Rather than providing clarity, this bill would blur the delineation provided by existing law between matters that are subject to collective bargaining and matters that have been excluded from collective bargaining; including certain 'management rights' such as determining criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, termination, discharge or other disciplinary actions.

This bill is objectionable because it constitutes an unacceptable infringement upon management rights currently protected under section 89-9(d), Hawaii Revised Statutes. It attempts to overturn the case of United Public Workers, AFSCME, Local 646, AFL-CIO v. Hanneman, 106 Hawaii 359 (2005), the Supreme Court of Hawaii case that held that the City and County of Honolulu's decision to transfer refuse workers from the Pearl City baseyard to the Honolulu baseyard was not subject to collective bargaining. The Hanneman case reaffirmed management rights as set forth in section 89-9(d).

This bill erodes management rights and, by allowing negotiations on the criteria management uses to act on matters such as layoffs, transfers, and assignments, it involves labor in the fundamental decision-making process of management. In permitting negotiations over assignments, this bill would adversely impact the employer's ability to make assignments of specific employees and groups of employees and hinder the delivery of services to the public.

This bill does not achieve its reported purposes, and only obfuscates the clear distinctions that currently exist between management rights and items that may be negotiable under collective bargaining. The provision added to section 89-9(d) by the bill stating that section 89-9(d) shall not be used to invalidate provisions of collective bargaining agreements in effect on and after June 30, 2007, could be interpreted to mean that the areas specifically excluded from collective bargaining pursuant to section 89-9(d) and the Hanneman case may be subject to negotiations by the parties to a collective bargaining agreement.

For the foregoing reasons, I am returning Senate Bill No. 1642 without my approval.

Respectfully,

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 829 to 835) were read by the Clerk and were placed on file:

Hse. Com. No. 829, returning S.C.R. No. 31, S.D. 1, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 830, returning S.C.R. No. 53, S.D., 1, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 831, returning S.C.R. No. 164, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 832, returning S.C.R. No. 175, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 833, returning S.C.R. No. 176, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 834, returning S.C.R. No. 193, S.D., 1, which was adopted by the House of Representatives on April 24, 2007.

Hse. Com. No. 835, returning S.B. No. 249, which passed Third Reading in the House of Representatives on April 24, 2007.

CONFERENCE COMMITTEE REPORTS

Senator English, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1047, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 1047, H.D. 2, 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. 6 and S.B. No. 1047, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," 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 to S.B. No. 1410, S.D. 1, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 1410, 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. 7 and S.B. No. 1410, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," 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 to S.B. No. 920, S.D. 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 920, 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. 8 and S.B. No. 920, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

STANDING COMMITTEE REPORTS

Senator Espero, for the Committee on Public Safety, presented a report (Stand. Com. Rep. No. 1914) recommending that H.C.R. No. 312, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1914 and H.C.R. No. 312, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO REPORT TO THE LEGISLATURE ON THE FINANCIAL REQUIREMENTS OF TRANSPORTING, HOUSING, AND ANY OTHER COSTS ASSOCIATED WITH THE OPERATIONS AND ADMINISTRATION OF SENDING HAWAII INMATES TO

OUT-OF-STATE CORRECTIONAL FACILITIES,” was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1915) recommending that S.B. No. 409, as amended in S.D. 1, pass Second Reading be recommitted to the Committee on Health.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the Committee was adopted and S.B. No. 409, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO HEALTH,” passed Second Reading and was recommitted to the Committee on Health.

Senator Taniguchi, for the majority of the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1916) recommending that H.B. No. 91, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ige, seconded by Senator Whalen and carried, the report of the majority of the Committee was adopted and H.B. No. 91, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY,” passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1917) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Housing Finance and Development Corporation (HFD) of the following:

CHARLES P. WATHEN, in accordance with Gov. Msg. No. 521;

ALLAN LOS BANOS JR., in accordance with Gov. Msg. No. 610; and

RICHARD TOLEDO JR., in accordance with Gov. Msg. No. 699.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1917 and Gov. Msg. Nos. 521, 610 and 699 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1918) recommending that the Senate advise and consent to the nominations to the State Board of Public Accountancy of the following:

DOREEN LILLY GRIFFITH, in accordance with Gov. Msg. No. 569; and

WILLIAM L. WONG, in accordance with Gov. Msg. No. 684.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1918 and Gov. Msg. Nos. 569 and 684 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1919) recommending that the Senate advise and consent to the nominations to the Board of Professional Engineers, Architects, Surveyors, and Landscape Architects of the following:

RICHARD Y. MITSUMORI, in accordance with Gov. Msg. No. 592;

PAUL H. MURRAY LPLS, in accordance with Gov. Msg. No. 593; and

ROBERTO B. YUMOL AIA, in accordance with Gov. Msg. No. 594.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1919 and Gov. Msg. Nos. 592, 593 and 594 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1920) recommending that the Senate advise and consent to the nomination of MARC KEALA MITSUO YAMANE to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 690.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1920 and Gov. Msg. No. 690 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1921) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Industry Licensing Board of the following:

STANLEY TOSHIYA MASAMITSU, in accordance with Gov. Msg. No. 638;

DONALD K. TOUCHI, in accordance with Gov. Msg. No. 639; and

WERNER UMBHAU, in accordance with Gov. Msg. No. 640.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1921 and Gov. Msg. Nos. 638, 639 and 640 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1922) recommending that the Senate advise and consent to the nominations to the Motor Vehicle Repair Industry Board of the following:

LEE ROGERS CHAMPION, in accordance with Gov. Msg. No. 704; and

MICHELLE W.J. WONG, in accordance with Gov. Msg. No. 705.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1922 and Gov. Msg. Nos. 704 and 705 was deferred until Thursday, April 26, 2007.

Senator Taniguchi, for the Committee on Commerce, Consumer Protection and Affordable Housing, presented a report (Stand. Com. Rep. No. 1923) recommending that the Senate advise and consent to the nominations to the Pest Control Board of the following:

ALVIN F. FUKUYAMA, in accordance with Gov. Msg. No. 647;

ROBERT H. KOIDE, in accordance with Gov. Msg. No. 648; and

RONALD S. WEINBERG, in accordance with Gov. Msg. No. 649.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1923 and Gov. Msg. Nos. 647, 648 and 649 was deferred until Thursday, April 26, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1924) recommending that the Senate advise and consent to the nominations to the Hawai'i Teacher Standards Board of the following:

JONATHAN GILLENLINE, in accordance with Gov. Msg. No. 713;

ANNETTE A. NISHIKAWA, in accordance with Gov. Msg. No. 714;

ALVIN NAAWAO PARKER, in accordance with Gov. Msg. No. 715;

LORILENE ANALEI KARRATTI PEREIRA, in accordance with Gov. Msg. No. 716; and

CAROLINE SUE WONG, in accordance with Gov. Msg. No. 718.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1924 and Gov. Msg. Nos. 713, 714, 715, 716 and 718 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1925) recommending that the Senate advise and consent to the nominations to the State Council on Developmental Disabilities of the following:

JOE D. CORDOVA, in accordance with Gov. Msg. No. 573; and

ROSELANI MANUWAI-ROWE, in accordance with Gov. Msg. No. 574.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1925 and Gov. Msg. Nos. 573 and 574 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1926) recommending that the Senate advise and consent to the nominations to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances of the following:

MARTIN HO'OLU BENTO, in accordance with Gov. Msg. No. 575;

STEPHEN BRADY, in accordance with Gov. Msg. No. 576;

BART S. HUBER, in accordance with Gov. Msg. No. 577;

JONAH-KUHIO KALANIANA'OLE KA'AUWAI, in accordance with Gov. Msg. No. 578;

DARIN H. KAWAZOE, in accordance with Gov. Msg. No. 579;

BARBARA-ANN KELLER, in accordance with Gov. Msg. No. 580;

PAULA T. MORELLI PHD, in accordance with Gov. Msg. No. 581;

TAMAH-LANI S.K. NOH, in accordance with Gov. Msg. No. 582;

JODY SHIROMA PERREIRA, in accordance with Gov. Msg. No. 583; and

BYRON NAOYUKI YOSHINO, in accordance with Gov. Msg. No. 584.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1926 and Gov. Msg. Nos. 575, 576, 577, 578, 579, 580, 581, 582, 583 and 584 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1927) recommending that the Senate advise and consent to the nominations to the Policy Advisory Board for Elder Affairs of the following:

GAIL ANN CHEW, in accordance with Gov. Msg. No. 585;

BERTHA F.K. LEONG, in accordance with Gov. Msg. No. 586;

EUDICE R. SCHICK, in accordance with Gov. Msg. No. 688; and

MARY ALEY WILKINSON, in accordance with Gov. Msg. No. 689.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1927 and Gov. Msg. Nos. 585, 586, 688 and 689 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1928) recommending that the Senate advise and consent to the nominations to the Health Planning Council, Honolulu Subarea of the following:

KEITH ALAN LEE, in accordance with Gov. Msg. Nos. 605 and 669;

SARAH H. NORDWALL, in accordance with Gov. Msg. No. 695.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1928 and Gov. Msg. Nos. 605, 669 and 695 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1929) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Health Systems Corporation of the following:

LORETTA ANNE HELLRUNG, in accordance with Gov. Msg. No. 697; and

FRANCIS L. JUNG, in accordance with Gov. Msg. No. 733.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1929 and Gov. Msg. Nos. 697 and 733 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1930) recommending that the Senate advise and consent to the nomination of DENNIS M. CROWLEY MD to the Medical Advisory Board, in accordance with Gov. Msg. No. 627.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1930 and Gov. Msg. No. 627 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1931) recommending that the Senate advise and consent to the nominations to the Board of Certification of Operating Personnel in Wastewater Treatment Plants of the following:

DANA P. RIDDLE, in accordance with Gov. Msg. No. 662; and

BERT S. UYENO, in accordance with Gov. Msg. No. 663.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1931 and Gov. Msg. Nos. 662 and 663 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1932) recommending that the Senate advise and consent to the nomination of JO-ANN AHUNA to the Tri-Isle Subarea Health Planning Council, in accordance with Gov. Msg. No. 692.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1932 and Gov. Msg. No. 692 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1933) recommending that the Senate advise and consent to the nomination of MARK STEVEN MOSES to the Health Planning Council, West Oahu Subarea, in accordance with Gov. Msg. No. 694.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1933 and Gov. Msg. No. 694 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1934) recommending that the Senate advise and consent to the nomination of GAE BERGQUIST-TROMMALD to the Health Planning Council, Windward Oahu Subarea, in accordance with Gov. Msg. No. 602.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1934 and Gov. Msg. No. 602 was deferred until Thursday, April 26, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1935) recommending that the Senate advise and consent to the nominations to the State Council on Mental Health of the following:

STEVEN M. SHIRAKI, in accordance with Gov. Msg. No. 634; and

AMY C.L.C. TSARK, in accordance with Gov. Msg. No. 635.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1935 and Gov. Msg. Nos. 634 and 635 was deferred until Thursday, April 26, 2007.

Senator Nishihara, for the Committee on Tourism and Government Operations, presented a report (Stand. Com. Rep. No. 1936) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Tourism Authority of the following:

CHALENE "CHA" MAE KU'UPUAALA THOMPSON, in accordance with Gov. Msg. No. 533; and

STEPHEN K. YAMASHIRO, in accordance with Gov. Msg. No. 659.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1936 and Gov. Msg. Nos. 533 and 659 was deferred until Thursday, April 26, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1937) recommending that the Senate advise and consent to the nominations to the Legacy Land Conservation Commission of the following:

CARL J. BERG JR., in accordance with Gov. Msg. No. 619;

JOAN E. CANFIELD, in accordance with Gov. Msg. No. 620;

CHARLES H. FLETCHER III, in accordance with Gov. Msg. No. 621;

HERBERT MONTEGUE RICHARDS JR., in accordance with Gov. Msg. No. 622;

ROBERT J. SHALLENBERGER, in accordance with Gov. Msg. No. 623;

WESLEY KAIWI NUI YOON, in accordance with Gov. Msg. No. 625; and

KAREN GS YOUNG, in accordance with Gov. Msg. No. 626.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1937 and Gov. Msg. Nos. 619, 620, 621, 622, 623, 625 and 626 was deferred until Thursday, April 26, 2007.

ORDER OF THE DAY

AGREE/DISAGREE

MATTERS DEFERRED FROM TUESDAY, APRIL 24, 2007

S.C.R. No. 39, H.D. 1 (Hse. Com. No. 820):

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 39, seconded by Senator Whalen.

At 11:54 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:55 o'clock a.m.

Senator Inouye noted:

"Madam President, with regards to S.C.R. No. 39, H.D. 1, there were just some minor language changes to the title. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 39, and S.C.R. No. 39, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING ENACTMENT OF THE FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007, OR SIMILAR LEGISLATION THAT PROVIDES FEDERAL VETERANS BENEFITS AND

SERVICES TO FILIPINO WORLD WAR II VETERANS," was placed on the calendar for Final Adoption on Thursday, April 26, 2007.

S.C.R. No. 41, H.D. 1 (Hse. Com. No. 821):

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 41, seconded by Senator Whalen.

Senator Inouye noted:

"Madam President, with regards to S.C.R. No. 41, H.D. 1, there were just some minor language changes to the title. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 41, and S.C.R. No. 41, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION STRONGLY OPPOSING THE FEE INCREASES PROPOSED BY THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES," was placed on the calendar for Final Adoption on Thursday, April 26, 2007.

S.C.R. No. 67, H.D. 1 (Hse. Com. No. 822):

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 67, seconded by Senator Whalen.

Senator Sakamoto noted:

"Madam President, on House Communication No. 822, S.C.R. No. 67, the House expanded this to include high school students in the early awareness program, so we would like to agree to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 67, and S.C.R. No. 67, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE P-20 COUNCIL AND THE UNIVERSITY OF HAWAII TO REPORT ON EARLY COLLEGE AWARENESS PROGRAMS FOR ELEMENTARY, MIDDLE AND HIGH SCHOOL STUDENTS," was placed on the calendar for Final Adoption on Thursday, April 26, 2007.

S.C.R. No. 73, S.D. 1, H.D. 1 (Hse. Com. No. 823):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 73, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 98, S.D. 1, H.D. 1 (Hse. Com. No. 824):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 98, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 102, S.D. 1, H.D. 1 (Hse. Com. No. 825):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 102, S.D. 1, and requested a conference on the subject matter thereof.

S.C.R. No. 115, S.D. 1, H.D. 1 (Hse. Com. No. 826):

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 115, S.D. 1, seconded by Senator Whalen.

Senator Fukunaga noted:

"Madam President, on S.C.R. No. 115, S.D. 1, H.D. 1, requesting the Department of Taxation to redraft the capital goods excise tax credit, the House has improved on the earlier Senate language. Thank you."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.C.R. No. 115, S.D. 1, and S.C.R. No. 115, S.D. 1, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO REDRAFT THE CAPITAL GOODS EXCISE TAX CREDIT TO REMEDY OLD REFERENCES TO REPEALED LAW AND TO INCORPORATE THE CURRENT STATUS OF THE INTERNAL REVENUE CODE," was placed on the calendar for Final Adoption on Thursday, April 26, 2007.

S.C.R. No. 209, H.D. 1 (Hse. Com. No. 827):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 209, and requested a conference on the subject matter thereof.

S.C.R. No. 48, S.D. 1, H.D. 2 (Hse. Com. No. 828):

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and requested a conference on the subject matter thereof.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1898 (Gov. Msg. Nos. 709, 710, 711 and 721):

Senator Fukunaga moved that Stand. Com. Rep. No. 1898 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Strategic Development Corporation of the following:

ROLAND VILORIA RESURRECCION, term to expire June 30, 2011 (Gov. Msg. No. 709);

ANNE L. SYLVESTER, term to expire June 30, 2009 (Gov. Msg. No. 710);

EDWARD H. W. YOUNG, term to expire June 30, 2011 (Gov. Msg. No. 711); and

GLENN S. YAMADA, term to expire June 30, 2011 (Gov. Msg. No. 721),

seconded by Senator Espero.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1899 (Gov. Msg. No. 317):

Senator Hee moved that Stand. Com. Rep. No. 1899 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of RYAN S. USHIJIMA to the Board of Trustees of the Deferred Compensation Plan, term to expire June 30, 2011, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1900 (Gov. Msg. No. 685):

Senator Hee moved that Stand. Com. Rep. No. 1900 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of BRYAN P. ANDAYA to the Civil Rights Commission, term to expire June 30, 2011, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1901 (Gov. Msg. No. 686):

Senator Hee moved that Stand. Com. Rep. No. 1901 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of MARK G. VALENCIA to the Civil Rights Commission, term to expire June 30, 2009, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1902 (Gov. Msg. Nos. 664 and 665):

Senator Hee moved that Stand. Com. Rep. No. 1902 be received and placed on file, seconded by Senator Kokubun and carried.

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

WENDY M. F. LOH, term to expire June 30, 2011 (Gov. Msg. No. 664); and

ANNA M. MAYEDA, term to expire June 30, 2011 (Gov. Msg. No. 665),

seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1903 (Gov. Msg. No. 707):

Senator Hee moved that Stand. Com. Rep. No. 1903 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of VICTORIA A. FRANCO to the Board of Registration of the Island of Oahu, term to expire June 30, 2011, seconded by Senator Kokubun.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1908 (Gov. Msg. Nos. 354 and 355):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1908 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

WAYNETTE KAM YAU CABRAL, term to expire June 30, 2010 (Gov. Msg. No. 354); and

DARA YUKIKO FUKUHARA, term to expire June 30, 2010 (Gov. Msg. No. 355),

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1909 (Gov. Msg. Nos. 385, 386, 387, 388 and 389):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1909 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

LARRY GELLER, term to expire June 30, 2010 (Gov. Msg. No. 385);

JONATHAN J. CHUN, term to expire June 30, 2009 (Gov. Msg. No. 386);

KATIE KEIM, term to expire June 30, 2010 (Gov. Msg. No. 387);

HOWARD ALAN LESSER, term to expire June 30, 2010 (Gov. Msg. No. 388); and

JULIE KAY SMITH, term to expire June 30, 2010 (Gov. Msg. No. 389).

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1910 (Gov. Msg. Nos. 530, 531 and 706):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1910 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Public Housing Authority (PHA) of the following:

R. ERIC HO'OLULUKAMAKANI BEAVER ESQ., term to expire June 30, 2010 (Gov. Msg. No. 530);

CLARISSA PUANANI HOSINO, term to expire June 30, 2009 (Gov. Msg. No. 531); and

KAULANA H.R. PARK, term to expire June 30, 2009 (Gov. Msg. No. 706),

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1911 (Gov. Msg. Nos. 595, 596, 597, 598, 599, 600, 666, 667 and 668):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1911 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Commission on Fatherhood of the following:

BARRETT KEOKI AWAI, terms to expire June 30, 2007, and June 30, 2009 (Gov. Msg. Nos. 595 and 666);

BERNARD P. CARVALHO JR., term to expire June 30, 2009 (Gov. Msg. No. 596);

MICHAEL R. DIAS, terms to expire June 30, 2007, and June 30, 2009 (Gov. Msg. Nos. 597 and 667);

MYRNA B. MURDOCH, terms to expire June 30, 2007, and June 30, 2009 (Gov. Msg. Nos. 598 and 668);

MARIKA RIPKE PHD, term to expire June 30, 2009 (Gov. Msg. No. 599); and

SYLVIA H. L. YUEN PHD, term to expire June 30, 2009 (Gov. Msg. No. 600),

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1912 (Gov. Msg. Nos. 611, 612, 613, 614, 700 and 701):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1912 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the Statewide Council on Independent Living of the following:

LILLIAN GONZALES BROWN, term to expire June 30, 2008 (Gov. Msg. No. 611);

BRIAN KESSLER, term to expire June 30, 2009 (Gov. Msg. No. 612);

SANDRA K. MEEHAN, term to expire June 30, 2008 (Gov. Msg. No. 613);

MARC ANTOINE MORTIMER, term to expire June 30, 2009 (Gov. Msg. No. 614);

LOUISE R. HORIO, term to expire June 30, 2008 (Gov. Msg. No. 700); and

NATHAN E. SAY, term to expire June 30, 2010 (Gov. Msg. No. 701),

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1913 (Gov. Msg. Nos. 654, 655 and 656):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1913 be received and placed on file, seconded by Senator Ihara and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nominations to the State Rehabilitation Council of the following:

PINA S. LEMUSU, terms to expire June 30, 2007, and June 30, 2010 (Gov. Msg. Nos. 654 and 655);

DONALD THOMSON, term to expire June 30, 2010 (Gov. Msg. No. 656).

seconded by Senator Ihara.

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

Ayes, 24. Noes, none. Excused, 1 (English).

Stand. Com. Rep. No. 1904 (Jud. Com. No. 3):

Senator Hee moved that Stand. Com. Rep. No. 1904 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate consent to the nomination of LLOYD VAN DE CAR to the office of Judge, District Court of the Third Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Kokubun.

Senator Hee rose to speak in favor of the nomination as follows:

"Madam President, I ask this Body to confirm Lloyd Van De Car for the District Court of the Third Circuit.

“Your Committee on Judiciary and Labor met with Mr. Van De Car and had a hearing on his nomination by the Judicial Selection Commission. One of the concerns raised with Mr. Van De Car was echoed in some of the comments we received from the personnel of the court, and we dealt with that. I would like to, however, mention some of the attributes on the application that we received of the nominee.

“He is a graduate of the Kamehameha Schools. He has received his Bachelor of Arts degree from the University of Hawai‘i, his JD from William Richardson School of Law, where he counts you as one of his favored classmates of the same school. He, like you, was in the second class of graduates which included many others, I am told, who distinguished themselves in Hawai‘i’s legal and political fields from the William S. Richardson School of Law. He clerked for the Hawai‘i Supreme Court and also worked for a time with the Public Defender’s Office, and for 15 years with the Legal Aid Society of Hawai‘i. The nominee spent some time in private practice and then more recently has been working in the Family Court System of the Attorney General’s Office in the Family Law Division in Hilo.

“He is, without question, someone who has dedicated his life to public service, and his life to helping those who could not afford to help themselves as a Public Defender and also as a staff attorney with the Legal Aid Society of Hawai‘i.

“With regard to the concerns received by the Committee, it had to do with judicial temperament, as that seems to be an issue that we’ve spent more than our fair share of time in the Committee on Judiciary. Having had a fairly long and lengthy discussion with many of the witnesses who came forward, having had discussions with the judges of the Third Circuit, and the personnel of the court who have firsthand observation of those who serve before them, your Committee is convinced that given the opportunity, this nominee will perform in a manner which befits someone who sits in judgment of others in the Family Court system.

“Your Committee is aware, however, that there may be times, because of his service as an Attorney General in Family Court, that he may need to recuse himself, which may cause others to pick up the load which may be carried on by per diem judges and his fellow judges in the Family Court. That said, however, we remain convinced that Mr. Lloyd Van De Car will prove himself to be someone who will serve the judiciary and the people of Hawai‘i and indeed the State of Hawai‘i with great honor, with great dignity that befits someone who sits in judgment of others.

“Members, I urge all of you to vote ‘yes’ to the confirmation of Mr. Lloyd Xavier Van De Car to be the next Family Court Judge for the Third Circuit.

“Thank you, Madam President.”

Senator Gabbard rose in support of the nominee and said:

“Madam President, on behalf of the Minority, I rise in support of Mr. Lloyd Van De Car’s confirmation as a District Court Judge of the Third Circuit.

“Colleagues, I first met Mr. Van De Car a few weeks ago. At that time we talked openly and freely about the concerns expressed about judicial temperament. I was impressed with his openness and candor. After hearing testimony and learning more about Mr. Van De Car, I’m confident that he’ll make a good judge. He has extensive legal experience. He’s known for his fairness and also for his compassion in representing low

income and vulnerable clients at the Legal Aid Society of Hawai‘i.

“Therefore, I urge my colleagues to join me in supporting his nomination. Thank you, Madam President.”

Senator Kokubun rose to speak in support and stated:

“Madam President, I stand in support of Jud. Com. No. 3.

“I want to just put a little different spin on Lloyd Van De Car, if you will, with just my own personal perspective. Lloyd is a neighbor and friend in Volcano. Many of you know that community is very small, very intimate. We have opportunities to run across each other in many different venues – from the Post Office to one of only two stores that supply services in the area, and also through the National Park, which is our neighboring recreational resource. And I want to just assure all of you that as long as I’ve known Lloyd, in all the years that I’ve grown up in Volcano or been in Volcano, close to 30 years, that he has been an outstanding member of that community. I’ve watched his children grow. I know his family personally, and I think in terms of being a Family Court Judge, this is a man with the right set of values to serve admirably in that court, and I’m proud to support him today as a friend as well as a Senator.

“Thank you very much, Madam President.”

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

Ayes, 24. Noes, none. Excused, 1 (English).

At this time, Senator Hee introduced Judge Van De Car and his family to the members of the Senate.

Stand. Com. Rep. No. 1905 (Gov. Msg. No. 672):

Senator Taniguchi moved that Stand. Com. Rep. No. 1905 be received and placed on file, seconded by Senator Ige and carried.

Senator Taniguchi then moved that the Senate advise and consent to the nomination of LAWRENCE M. REIFURTH as Director of the Department of Commerce and Consumer Affairs, term to expire December 6, 2010, seconded by Senator Ige.

Senator Taniguchi rose to support the nominee as follows:

“Madam President, I rise to speak in support of this governor’s message.

“Your Committee on Commerce, Consumer Protection and Affordable Housing held a public hearing on this nomination on April 19th. After receiving entirely supportive testimony concerning the nominee who has served as a Deputy Director of DCCA since January 2003, and the Committee’s direct examination of Mr. Reifurth, your Committee voted to recommend that the Senate advise and consent to the nomination of Mr. Reifurth to serve as the Director of Department of Commerce and Consumer Affairs.

“As a lawyer admitted to the Bar in both Hawai‘i and California, Larry has extensive experience in both private and public practice, and in public administration and legislative affairs. He has had particular interest in the fields of regulatory economics and government law for many years. For the State of Hawai‘i, Larry has served with the Department of the Attorney General, served as Insurance Commissioner, and

presently serves as the DCCA Deputy Director. Larry Reifurth has developed a well-earned reputation for his intellect, inclusiveness, and responsiveness toward his colleagues, his employees, the Legislature, and the public.

“Your Committee found Mr. Reifurth to be well-qualified to serve as the DCCA Director, and I ask my Senate colleagues to confirm his nomination.”

Senator Slom rose in support as follows:

“Madam President, I rise as a member of the Committee and also on behalf of the Minority to support Gov. Msg. No. 672.

“As the Chairman just outlined, Mr. Reifurth has had a tremendous amount of experience. You could refer to him as the ‘Man for All Seasons’ because he’s done a lot of different things. Along the way, he’s garnered a great deal of support in those different capacities, particularly from employees, past and present. He also is a person that seeks the input of individuals. He is someone who is able to quickly and efficiently put policies into action.

“I have a personal interest in the Department of Commerce and Consumer Affairs. Many of us remember that at one time it was described as the worst department in the state, and during the last four-and-a-half years, that department was turned around so that most people now say it is one of the best examples of government here in this state. It’s no small accomplishment by the former Director, Mark Recktenwald, now a judge, and his Deputy, Mr. Reifurth.

“Mr. Reifurth also was concerned with legislative matters and he was the one that made sure that changes got made. So, I think that we’re all very happy and honored that we have a man with this much experience.

“And one thing more, Madam President. It was on his wedding day anniversary that he brought his beautiful bride to his confirmation hearing. What a guy! Other people would just take their bride to dinner by candlelight or something like that, but he brought her to the confirmation hearing, and that’s why I urge all my colleagues to vote for Mr. Reifurth.

“Thank you.”

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

Ayes, 24. Noes, none. Excused, 1 (English).

At this time, Senator Taniguchi introduced Mr. Reifurth and his family to the members of the Senate.

Stand. Com. Rep. No. 1906 (Gov. Msg. No. 273):

Senator Ige moved that Stand. Com. Rep. No. 1906 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 CHIYOME L. FUKINO, M.D. as Director of the Department of Health, term to expire December 6, 2010, seconded by Senator Fukunaga.

Senator Ige rose to support the nominee and said:

“Madam President, I rise to speak in support of the confirmation of Dr. Chiyome Leinaala Fukino as Director of the Department of Health.

“Madam President, upon review of the statements submitted by the nominee, I’m proud to be able to stand in full support of the reappointment of Dr. Fukino as Director of the Department of Health. I am convinced that she will work with compassion and commitment to assist in administering the government functions related to health. I would note, as a symbol of her integrity in carrying out her duties and responsibilities, that all of those Department of Health employees who appeared before the Committee to testify did so on their own time on either vacation or leave.

“Dr. Fukino is a graduate of the Kamehameha Schools. She has a B.A. in psychology from Brandeis University before returning to the University of Hawai‘i. She attended and graduated from the University of Hawai‘i John A. Burns School of Medicine in 1979 and then went on to complete her residency in internal medicine at the University of Hawai‘i Integrated Medical Residency Program.

“Dr. Fukino has worked as a physician in Hawai‘i since 1982, and through her dedication, compassion, professionalism, and understanding of the health care issues that face Hawai‘i, she has gained the respect and admiration of her colleagues, employees, and many of the constituencies that deal with the Department.

“I just wanted to read a couple of testimonies submitted in support, and I would also note that all testimonies submitted to the Committee were in support of confirmation. U.S. Senator Daniel K. Akaka wrote: ‘Since being appointed to her post in December 2002, Dr. Fukino has made it a point to keep me apprised of issues of mutual concerns so that the state and federal governments can work in concert to provide our mutual constituencies with the best possible health services and a safe and sound environment. Being apprised personally by the Director about state concerns and state actions complemented by staff contact, as appropriate, has made it possible for me to be sure that Hawaii’s health and environmental causes are supported to the fullest extent possible. We have an excellent working and personal relationship.’

“We also received testimony in support of the nominee from Duane Gubler of the University of Hawai‘i: ‘Dr. Fukino has been a visionary leader in public health preparedness. In a time when Hawai‘i is highly vulnerable to the importation of exotic emerging infectious diseases, including avian influenza and a multitude of other exotic pathogens, Dr. Fukino has provided exemplary leadership in preparing contingency and emergency response plans and testing these plans to make sure they work. An example of the high quality of this public health preparedness was the recent evaluation of state plans for pandemic influenza by the U.S. Centers for Disease Control. They found that Hawai‘i was among the top states in emergency preparedness. This can be directly attributed to Dr. Fukino’s leadership and her ability to pick highly qualified persons to direct the various state health department programs.’

“And finally, I just wanted to read one more testimony from Don Olden from Wahiawa General Hospital: ‘It is not often that we are blessed with an opportunity to work with such an outstanding, caring, committed, and professionally competent person. Dr. Fukino brings a balance to the position that includes excellent knowledge of medical and organizational issues, a commitment to the multi-cultural needs of Hawai‘i, concern and respect for the political process, and a strong desire to make the health care system in Hawai‘i better. She is also one of the finest examples of a wonderful person that I have had the occasion to meet in my life.’

“Members, these are just a few of the many, many testimonies that your Committee has received in support of this

nomination. And on a piece of unfinished business to the Committee, I just wanted the members to know that she did finish her homework and submitted her written responses to all of the questions asked at her confirmation hearings.

"I just wanted to conclude my remarks with, so what can we expect if we vote in support of her confirmation? This is a piece of her presentation to the Health Committee: 'Healthy people, healthy communities, healthy islands. The vision of the Department of Health stated so simply may seem inane rather than profound, but ponder for the moment what it takes for you to be healthy, what it will take for our entire state population to be healthy, what a healthy community looks like and what it will take to get there, what it means for the land to be healthy as it hosts an ever increasing number of people and sprawling communities. Health, for many, means simply the absence of disease or pain. As envisioned by the Department, it is flourishing, vibrant condition of being the healthy harmony of mind, body, and spirit for individuals within families, and families within communities, all responsive to the rhythms of the aina.'

"Over the past four years, the Department has focused on services for the mentally ill, long-term care, substance abuse, and all hazard preparedness. During her tenure, she has successfully brought closure to federal oversight of the Child and Adolescent Mental Health Division in 2005 and the Adult Mental Health Division in 2006. These are just a few of the many, many accomplishments that she has brought into this position.

"And finally, in my dealings with her in the short time that I have served as Health Chair, I just wanted to close on this bit of testimony on her management style that has come up often in our confirmation hearings. 'Dr. Fukino's management style is impressive. She is collaborative, well-informed, does not micromanage, articulates desired results without prescribing the process, trusts that her team will carry out their responsibilities, and will be 100 percent with any bad news that needs to be addressed. Her quiet soft-spoken leadership style, her ability to listen to many points of view, her mana, not only within the health care community but within the business community, has restored the Department of Health's credibility and has resulted in strong public-private partnerships to advance health, safety, and welfare of the people of Hawai'i.'

"I did want to close with this quote. I've heard the comment that perhaps Dr. Fukino is too nice. There is a wonderful new book, *The Power of Nice*, written by Linda Kaplan Thaler and Robin Koval and with their permission, I quote from this book on management. 'In our business culture, nice has an image problem. To be nice is to be considered pollyanna and passive, wimpy, milk-toast. Let us be clear, nice is not naïve; nice does not mean smiling blandly while others walk all over you; nice does not mean being a doormat. In fact, we would argue that nice is the toughest four-letter word you'll ever hear. It means moving forward with a clear confidence that comes from knowing that being very nice, placing other people's needs on the same level as your own will get you everything you want.'

"Dr. Fukino practices the power of nice naturally. Members and colleagues, I urge all of you to vote in confirmation of Dr. Fukino."

Senator Baker rose to speak in favor of the nominee and stated:

"Madam President, I, too, rise in support, in strong support of the confirmation of Dr. Chiyome Fukino as our Director of Health, and I would certainly like to have by association, the

words of the current Senate Health Chair in the Journal as my own.

"I did have the privilege for the past four sessions of serving as Health Chair and the privilege of working closely with Dr. Fukino. I can say without hesitation that she tackles the very tough problems presented to the department, and they're wide-ranging. She works collaboratively with all of the stakeholder groups and she works well with the Legislature. She has indeed assembled a fine team that is moving the Department forward, but more importantly tackling some of the tough issues in public health and bringing back to the State a very clear focus in what it means to be an advocate for public health. It's one thing to be a clinician and have that side of the house covered as well, but it is her ability to help the departmental employees focus on the public health aspects and bring that to public policy makers that I think is admirable.

"So, I would urge all of my colleagues to support the nice doctor who heads up the Department of Health, not because she's just a nice individual – she's competent, she's capable, she has a vision and strong leadership. We're very fortunate to have taken her from the clinical side to the public health side. Thank you, Dr. Fukino."

Senator Hemmings rose in favor of the nomination and said:

"Madam President, I rise to speak in favor of Gov. Msg. No. 273, Chiyome Fukino being nominated to head the Department of Health.

"I, first of all, want to thank the Majority Party for their very succinct and kind-spirited words regarding this nominee. It's much deserved; she is a nice lady. I'd like to underscore some things that were not mentioned by the two articulate previous speakers. The institution of medicine is changing profoundly as technology and knowledge add to our awareness of what needs to be done to keep our people healthy. One of the things that this Director has done in the last four years is made a transition from curative medicine to preventative medicine. She's led the way in helping tobacco-free Hawai'i, in pointing out the self-induced health problems concerning obesity or substance abuse, and how refreshing it is to cure a disease before it takes its hold on the human body.

"This Department of Health leader has also done things that have not been done before in the area of prevention of disease and preempting it. We're in a global economy now and we also have another global threat, and that is global viruses. This Director is nationally recognized, as previous speakers pointed out, for her work with the CDC and other organizations in preempting diseases before they could get to our people. Many people don't realize in 1918, a flu virus that went around the world became one of the greatest killers of humanity in the 20th Century. Because of this Chairman's leadership, we are going to intercept, hopefully, viruses at the airport and deal with them before they become an epidemic in our State. Her leadership has also brought the attention of CDC in headquartering some of their resources here in Hawai'i.

"This Director also inherited some problems—some long-standing problems—in the Mental Health Division, and I'd like the record to reflect that under her 'nice' leadership, many of those problems have been solved.

"This is a woman, a child of Hawai'i, who stepped forward to serve the public and has done so, well. The health and the welfare of the people of Hawai'i are much better off because of the work of Chiyome Fukino and the Department of Health, and we're pleased to have the Minority's wholehearted endorsement of her re-nomination.

“Thank you.”

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

“Madam President, I would like to also offer a few words in support of the nominee.

“I have known her, perhaps longer than most anyone on the Floor, as her classmate at the Kamehameha Schools, and the side of her that has not been spoken about is her artistic talent. If anyone is ever fortunate enough to hear her either sing or play the piano, or any other instrument, it is indeed a rare and momentous occasion. She has many accolades, but being a musician and artist are not commonly known about Chiyome Fukino.

“To me it’s particularly gratifying that with her help this year, Kahuku Hospital doors will stay open. And if anyone deserves the credit for keeping the hospital open, it is Chiyome Fukino who led the way. Quietly she led the way, but it should be known that Kahuku Hospital and the people of the North Shore are very fortunate to have a quiet leader who is artistic, scholarly, and a Kamehameha graduate like your classmate Lloyd Van De Car and me.

“Thank you, Madam Chair.”

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

Ayes, 24. Noes, none. Excused, 1 (English).

At this time, Senator Ige introduced Dr. Fukino and her family to the members of the Senate.

Stand. Com. Rep. No. 1907 (Gov. Msg. No. 269):

Senator Fukunaga moved that Stand. Com. Rep. No. 1907 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of THEODORE E. LIU as Director of the Department of Business, Economic Development and Tourism, term to expire December 6, 2010, seconded by Senator Nishihara.

Senator Fukunaga rose to support the nominee as follows:

“Madam President, I rise to speak in favor of the confirmation of Ted Liu for a second term as the Director of the Department of Business, Economic Development and Tourism.

“Ted Liu has served as Director of DBEDT since 2003, and I’m sure he would definitely agree that in those four years he and I often have not seen eye-to-eye on all the details of creating economic development opportunities in Hawai’i, but he definitely approaches his job with enthusiasm in leading his department and its seven agencies.

“He brings a wealth of experience to this role, and members, if you look at the vast array of individuals and businesses who have submitted testimony in support of his nomination in our committee report, they are indeed numerous and diverse.

“In addition to many of the salutary financial positions he has held, he has served as a CEO with Public International Investments, Ltd., First Shanghai Investments, Ltd., in Shanghai. He holds a Juris Doctorate degree from New York

University School of Law, as well as an undergraduate degree in Economics and Political Science from the University of Michigan.

“Equally important, Ted Liu has an international perspective that I think Hawai’i really needs as we pursue economic diversification and new opportunities for our talented workforce. This was illustrated during his hearing before the Committees on Economic Development and Taxation and Tourism and Government Operations. A young woman testified that she asked to meet with the Director of DBEDT to help her decide whether Hawai’i was the place that she should consider relocating to. Not only did she get an appointment, she testified that she came away with some very good advice, options to consider, and that Ted asked how she was doing a few months later when he happened to see her at a voter registration drive in Chinatown. She was very startled and equally pleased that one person could have mattered a great deal in his eyes.

“DBEDT has a challenging agenda as Ted outlined in his statement to the Committees – bringing about a ‘soft landing’ and sustaining the recent economic growth, as well as evening out the boom-and-bust economic cycles to create a more diversified and innovative economy. How this is achieved is not without controversy. A number of critics opposed Mr. Liu’s nomination. The Committees also raised questions regarding department programs and initiatives such as the development plans for Kakaako and Kalaeloa under Hawai’i Community Development Authority, the effectiveness and costs of foreign trade missions and the overseas offices, the community-based economic development program, accountability in use of federal grant funds, and a number of other programs. However, Ted responded both in writing and through further discussion with the Committee members. Most importantly, in my view, he stated that the questions identified a number of issues that he will consider fully in future decisions related to DBEDT activities.

“It is his willingness to rethink, redo, and recommit that leads me to ask you to confirm Ted Liu for a second four-year term as Director of the Department of Business and Economic Development. Thank you.”

Senator Trimble rose to speak in support of the nominee and said:

“Madam President, I’m pleased to rise on behalf of the Minority to offer words in support of Gov. Msg. No. 269 for the reconfirmation of Ted Liu.

“Intelligent, energetic, focused, big picture. Thank you, Madam President.”

Senator Kim rose in support with reservations and stated:

“Madam President, I rise in support with reservations on Gov. Msg. No. 269.

“Madam President, In preparation for the confirmation hearing and in keeping with out oversight responsibilities, I was troubled that DBEDT’s responses regarding the budget items were inconsistent from day to day. We would get numbers on one day and two days later when asked to clarify their submission, the numbers would change, and often these numbers even varied from the annual report.

“It was especially troubling to find that the CBED, the Community-Based Economic Fund, according to staff has depleted down to approximately \$2,000, but according to Mr. Liu in Committee, it is down to \$1,000. Despite the fact that

Act 192, HRS 210D-4, Hawai'i community-based economic development revolving fund; established, says in part, and I quote: 'The department may use all appropriations and other moneys in the revolving fund not appropriated for a designated purpose to make grants or loans, provided that at no time shall the department reallocate funds from the loan program to the grant program so that insufficient funds remain available to make loans.' But according to Director Liu, no loans have been made in recent years, and no funds remain to make these loans. There have been no delineation of grant and loan funds, which is clearly contrary to the law.

"I questioned why this fund is so lacking in funds when in 2001 the Legislature budgeted \$50,000 specifically to the CBED revolving fund. Since the Legislature never backed out that amount in subsequent years, the CBED revolving base budget is \$50,000 a year, yet there have been no allocation of these funds after 2003 into the revolving fund. During the hearing we learned that DBEDT has been using these funds elsewhere. Where? We're really not sure since the responses we received were not specific. Mr. Liu admitted that they were not aware that these funds were specifically to the revolving fund. If the funds were used for anything other than the revolving fund, then there has been a clear violation of the budget. Mr. Liu took full responsibility for this mistake.

"However, what does that say about our policy for not reviewing base budgets? If we want transparency, Madam President, the current policy of not reviewing each budget's base budget creates a fog. It is my understanding that the Ways and Means Committee relies on the departments to tell us what their base budget is, and if we get faulty information, how do we keep the departments and programs accountable?

"This may be just \$50,000 and, I quote, 'too small,' according to Ways and Means staff to track, but I believe that this is just the tip of the iceberg. Just imagine how many \$50,000 to \$100,000 allocations are currently being misspent or misallocated. If one \$50,000 allocation is misused in 17 departments, that would be \$850,000 – nothing to sneeze at. And if out the hundreds and hundreds of programs and revolving funds that exist in every single department, if just 50 programs were allocating their funds in ways contrary to the intent of the Legislature, that would be \$42 million.

"CBED is just one small program out of BED 100 and this just reinforces my call for the zero-based budgeting, and I will be asking that in next year's budget submissions that the base budget for all programs be provided and reviewed.

"Another budget discrepancy brought to my attention was the budget for the out-of-state offices. Every year the amount budgeted is \$100,000 for both offices in Taipei and Beijing, yet every year since 2002 according to the records we received, the expenditures have exceeded the budget by a minimum of 70 percent. In 2005, the year of the China missions, their budget remained at \$100,000, but expenditures ballooned to \$286,000. If, as Mr. Liu states, the budget is a plan, then one has to question the quality of their planning. When you show a history of being consistently over budget, it questions the validity of the planning. It is still unclear to me where the excess funds for these overages came from or where it is coming from.

"Mr. Liu mentioned that some of it came from the federal grant, yet when closely scrutinized, we found that very little of the grant money was even spent, so it couldn't have come from the federal grant. The grant I am referring to is the Market Development Cooperator Federal Grant, \$399,000 for the period of 2003 to 2006. According to DBEDT's records, they spent only \$59,000 of this money within that period of time, of which \$29,000 was spent on a website. I questioned these

funds and its purpose. On Monday, this past Monday, April 23rd, Madam President, we received a response from the Grants Management Division of the Department of Commerce that the recipient, the State of Hawai'i Department of Business and Economic Development and Tourism, is delinquent in the submission of their financial status report for the period ending 12/31/06 for this grant.

"And while I'm on the topic of delinquency, Madam President, on April 4, 2007, the department received a notice of intent to terminate the designation of Hawai'i's Department of Business, Economic Development and Tourism as a regional center under the Immigration Investor Pilot Program for the U.S. Citizenship and Immigration Services. Apparently, the state has had this designation since October of 1995, and according to this letter from the Immigrant Services, DBEDT submitted a letter dated August 30, 2006, of which the Immigrant Services were highly critical. U.S. Citizenship and Immigration Services stated, and I quote: 'A review of documentation that DBEDT has posted on its websites raises serious concerns regarding the lack of program oversight by DBEDT.' And they conclude in their letter, and I quote: 'The documentation reviewed indicates that DBEDT is merely engaged in providing broad-stroke certifications regarding the job creating efficacy of capital investments in a given industry with no consideration as to whether the actual capital investment is feasible. This lack of analysis by DBEDT regarding the viability of individual regional center affiliated investment projects, coupled with the complete lack of monitoring, oversight, or follow-up of the capital investments of individual EB-5 alien investors, casts serious doubt that the capital investment vehicles to be undertaken by alleged DBEDT regional center affiliated commercial enterprises can reasonably be expected to provide the requisite permanent full-time job creation and positive economic impact.'

"If Mr. Liu had reservations about the program, why was the program allowed to linger half implemented for four years until the federal government terminated just recently in April. This cannot be considered good management, Madam President, and it is for these reasons and those that I have not articulated that I will be voting with reservations.

"Thank you."

Senator Slom rose to support the nominee as follows:

"Madam President, energetic, intelligent, focused, big-picture . . ."

President Hanabusa interjected:

"Senator Slom, for what purpose do you rise?"

Senator Slom responded:

"To support the nominee and encourage all of my colleagues to do so, Madam President."

The President stated:

"Please proceed."

Senator Slom replied:

"I have proceeded. Thank you."

Senator Hooser rose in support with reservations and said:

"Madam President, please note my support with reservations."

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

Ayes, 24. Ayes with Reservations, 2 (Hooser, Kim). Noes, none. Excused, 1 (English).

At this time, Senator Fukunaga introduced Mr. Liu and his family to the members of the Senate.

At 12:42 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:53 o'clock p.m.

ADOPTION OF RESOLUTIONS

H.C.R. No. 89:

On motion by Senator Ige, seconded by Senator Whalen and carried, H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS CURRENT LAND LEASE WITH LEAHI HOSPITAL TO FACILITATE THE EFFECTIVE PLANNING, DEVELOPMENT, AND IMPLEMENTATION OF A CAMPUS-WIDE MASTER PLAN FOR LONG-TERM HEALTH CARE SERVICES," was adopted.

H.C.R. No. 315:

On motion by Senator Ige, seconded by Senator Whalen and carried, H.C.R. No. 315, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR INTERNATIONAL EDUCATION," was adopted.

FINAL READING

S.B. No. 55, S.D. 1, H.D. 2:

On motion by Senator Taniguchi, seconded by Senator Ige and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 55, S.D. 1, and S.B. No. 55, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, English).

S.B. No. 840, H.D. 1:

On motion by Senator Kokubun, seconded by Senator Tokuda and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 840 and S.B. No. 840, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, English).

S.B. No. 1283, S.D. 2, H.D. 2:

On motion by Senator Ige, seconded by Senator Sakamoto and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1283, S.D. 2, and S.B. No. 1283, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, 3 (Hemmings, Slom, Trimble). Excused, 2 (Bunda, English).

S.B. No. 1457, S.D. 2, H.D. 2:

On motion by Senator Ige, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1457, S.D. 2, and S.B. No. 1457, S.D. 2, H.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, English).

Conf. Com. Rep. No. 1 (S.B. No. 1529, S.D. 2, H.D. 2, C.D. 1):

On motion by Senator Hee, seconded by Senator Hooser and carried, Conf. Com. Rep. No. 1 was adopted and S.B. No. 1529, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Bunda, English).

Conf. Com. Rep. No. 2 (S.B. No. 1709, S.D. 1, H.D. 2, C.D. 1):

Senator Tsutsui moved that Conf. Com. Rep. No. 2 be adopted and S.B. No. 1709, S.D. 1, H.D. 2, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hooser.

Senator Trimble rose to speak against the measure and said:

"Madam President, this represents a second rising to speak against S.B. No. 1709.

"Colleagues, I've spoken against this bill before. I've spoken against H.B. No. 931. After yesterday, I'm not sure what could be said to persuade you. After speaking against it twice, I decided that perhaps I had erred in my judgment, so I asked my wife if she would rent one of these vehicles. I asked her twice, I asked her three times. Then I went to the Department of Transportation. I know a couple people there. I asked them if they would care to rent one. They declined the opportunity. They thought I was crazy.

"On Good Friday, I gave my staff a choice – did they want to digest bills or would they like to ride around in a scooter, not a moped but a scooter – something that rents for \$30 an hour. When I put it to them in those terms, they were happy at the opportunity to go to Waikiki. The only question was who was going to drive it. After selecting straws, one of them volunteered.

"The point is that if you vote for it, you might find it on your highway – a vehicle that is underpowered, a vehicle that does not match in size or weight the vehicles they would be mixing with. This is probably the single most dangerous thing that you can do – try and mix vehicles that are incapable of doing different speeds. You're permitting it on roads where vehicles are permitted to go up to 35 miles an hour and yet mopeds are not permitted to go over 30. If you're concerned about the safety of people, if you're concerned about reducing traffic congestion – and I think this is getting to the point of the matter – then you will vote 'no.'

"In my district of Waikiki, they fit in quite well, but the people that rent these vehicles do not tell you which lane you're supposed to drive them in, and upon questioning they said,

'Well, please don't take it to the North Shore.' But most of the people that rent it are women with children, and they seek to go to Hanauma Bay. If the maximum speed that this will do going up and around Diamond Head is 16 miles an hour, imagine what it will do in your district when it has two people in it.

"The bill seeks to change the definition of a moped, which is currently described as a vehicle in which a rider – not riders, a rider – can stand astride, to something that only relates to the size of the engine. I can remember in developing countries in the '70s and '80s where developing countries were trying to get rid of mopeds on the highway because they impeded traffic flow and were not considered safe. So, what is this Body thinking today to make these vehicles legal on our roads?

"Colleagues, I think that the matter is so serious and you dismiss it so trivially or with such triviality that it merits a Role Call vote, so that in November of 2008 there will be two reasons that people can go to the polls. And the second reason for Roll Call vote is that since we decided yesterday that attorneys were held to a higher standard, that I would like the President of the Senate to weigh in and hear how she casts her vote.

"Thank you."

At 1:00 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:04 o'clock p.m.

On motion by Senator Ige, seconded by Senator Gabbard and carried, action on Conf. Com. Rep. No. 2 and S.B. No. 1709, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," was deferred until Thursday, April 26, 2007.

Conf. Com. Rep. No. 3 (S.B. No. 946, S.D. 2, H.D. 1, C.D. 1):

Senator Hee moved that Conf. Com. Rep. No. 3 be adopted and S.B. No. 946, S.D. 2, H.D. 1, C.D. 1, having been read throughout, pass Final Reading, seconded by Senator Hooser.

Senator Slom rose to oppose the measure and said:

"Madam President, I rise in opposition to the bill.

"I can't figure out this bill, Madam President. It says that if your driver's license has been revoked for life though warranted, that we're now going to set up a procedure and an amount that you can pay, \$50, and you can find out that you can get your license back. Now, my question is and my problem is, is this talking about the same life or is this going to be in the afterlife? See, I don't know, and again it diminishes any kind of punishment and judicial determination as the bill says 'though warranted.'

"So, we're making a mockery of it and I'm going to be voting 'no.' Thank you."

The motion was put by the Chair and carried, Conf. Com. Rep. No. 3 was adopted and S.B. No. 946, S.D. 2, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 18. Noes, 2 (Slom, Trimble). Excused, 5 (Bunda, English, Hemmings, Nishihara, Whalen).

RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1674, S.D. 1 (H.D. 2):

Senator Ige moved that the Senate reconsider its action taken on April 12, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1674, S.D. 1, seconded by Senator Taniguchi and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1674, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Ige, Taniguchi, Baker). Noes, none. Excused, 1 (Whalen).

Senator Ige moved that the Senate agree to the amendments proposed by the House to S.B. No. 1674, S.D. 1, seconded by Senator Taniguchi.

Senator Ige noted:

"Madam President, the House simply added a new section to this bill that just clarified the fact that the bill is not intended to permit a doctor who does not hold a license to practice in Hawai'i to practice via telemedicine. So the amendment added was more for clarification purposes."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1674, S.D. 1, and S.B. No. 1674, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was placed on the calendar for Final Reading on Thursday, April 26, 2007.

S.B. No. 921, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on March 22, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 921, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 921, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Taniguchi, Espero). Noes, none. Excused, 1 (Slom).

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 921, S.D. 1, seconded by Senator Espero.

Senator Taniguchi noted:

"Madam President, with regard to S.B. No. 921, relating to condominium association records, the House added an additional provision regarding duplicating fees for documents over 8½ by 14, and we are agreeable to that."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 921, S.D. 1, and S.B. No. 921, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM ASSOCIATION RECORDS," was placed on the calendar for Final Reading on Thursday, April 26, 2007.

S.B. No. 1654, S.D. 1 (H.D. 1):

Senator Taniguchi moved that the Senate reconsider its action taken on April 5, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1654, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1654, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Taniguchi, Espero). Noes, none. Excused, 1 (Slom).

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1654, S.D. 1, seconded by Senator Espero.

Senator Taniguchi noted:

“Madam President, with regard to S.B. No. 1654, relating to condominium management dispute resolution, the House made some clarifying amendments, and we are agreeable to those.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1654, S.D. 1, and S.B. No. 1654, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION,” was placed on the calendar for Final Reading on Thursday, April 26, 2007.

S.B. No. 1988, S.D. 1 (H.D. 2):

Senator Taniguchi moved that the Senate reconsider its action taken on April 12, 2007, in disagreeing to the amendments proposed by the House to S.B. No. 1988, S.D. 1, seconded by Senator Espero and carried.

In accordance with the Conference Committee Procedures agreed upon by the Senate and the House of Representatives, the managers on the part of the Senate recommended that the Senate agree to the amendments proposed by the House to S.B. No. 1988, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Taniguchi, Espero). Noes, none. Excused, 1 (Slom).

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 1988, S.D. 1, seconded by Senator Espero.

Senator Taniguchi noted:

“Madam President, with regard to S.B. No. 1988, relating to honey, the House made some clarifying amendments, and we are agreeable to those.”

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1988, S.D. 1, and S.B. No. 1988, S.D. 1, H.D. 2, entitled: “A BILL FOR AN ACT RELATING TO HONEY,” was placed on the calendar for Final Reading on Thursday, April 26, 2007.

Senator Chun Oakland, Chair of the Committee on Human Services and Public Housing, requested that the joint referral of H.C.R. No. 189 to the Committee on Human Services and Public Housing and the Committee on Education be waived.

Senator Chun Oakland noted:

“Madam President, we would like to have this waiver granted to meet the deadline.”

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Thursday, April 26, 2007:

H.C.R. No. 189, H.D. 1, entitled: “HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF EDUCATION TO PROVIDE ADDITIONAL OUTREACH SERVICES TO HOMELESS INFANTS, CHILDREN, AND YOUTH IN HAWAII.”

At 1:11 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 1:11 o'clock p.m.

Senator Fukunaga, Chair of the Committee on Economic Development and Taxation, requested a waiver of the notice requirement pursuant to Senate Rule 21 for the following governor's messages:

Gov. Msg. No. 348;
Gov. Msg. No. 349; and
Gov. Msg. No. 532.

Senator Fukunaga noted:

“Madam President, these governor's messages were previously before the Committee on Economic Development and Taxation. We received supplemental information on one on Monday of this week and obtained additional information on the remaining two governor's messages. We would like to therefore hold a hearing on them for decision making.”

The Chair then granted the waiver.

**RE-REFERRAL OF A
SENATE RESOLUTION**

The Chair re-referred the following Senate resolution that was offered:

Senate Resolution	Referred to:
No. 10	Committee on Human Services and Public Housing

**RE-REFERRAL OF
HOUSE CONCURRENT RESOLUTIONS**

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

House Concurrent Resolution	Referred to:
No. 46	Committee on Commerce, Consumer Protection and Affordable Housing
No. 187, H.D. 1	Committee on Human Services and Public Housing

No. 188, H.D. 2 Committee on Human Services and
Public Housing

APPOINTMENT OF CONFEREES

S.C.R. No. 48, S.D. 1 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 48, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Chun Oakland, chair, Baker, co-chair, Fukunaga, Ihara, Hemmings as managers on the part of the Senate at such conference.

S.C.R. No. 73, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 73, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Sakamoto, chair; Tokuda, Gabbard as managers on the part of the Senate at such conference.

S.C.R. No. 98, S.D. 1 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 98, S.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators English, chair; Baker, co-chair; Gabbard as managers on the part of the Senate at such conference.

S.C.R. No. 209 (H.D. 1):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.C.R. No. 209, and the request for a conference on the subject matter thereof, the President appointed Senators Ige, chair; Baker, co-chair; Fukunaga, Whalen as managers on the part of the Senate at such conference.

ADJOURNMENT

At 1:14 o'clock p.m., on motion by Senator Ige, seconded by Senator Gabbard and carried, the Senate adjourned until 6:30 o'clock p.m., Thursday, April 26, 2007.