

FIFTY-THIRD DAY

Friday, April 21, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:46 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Reverend Bishop Stephen Randolph Sykes, Hawaii Inclusive Orthodox Church, after which the Roll was called showing all Senators present.

The President announced that he had read and approved the Journal of the Fifty-Second Day.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 771 to 780) were read by the Clerk and were placed on file:

Hse. Com. No. 771, returning S.C.R. No. 2, S.D. 1, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 772, returning S.C.R. No. 6, S.D. 1, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 773, returning S.C.R. No. 43, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 774, returning S.C.R. No. 47, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 775, returning S.C.R. No. 95, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 776, returning S.C.R. No. 108, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 777, returning S.C.R. No. 144, S.D. 1, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 778, returning S.C.R. No. 204, S.D. 1, which was adopted by the House of Representatives on April 20, 2006.

Hse. Com. No. 779, informing the Senate that the Speaker on April 20, 2006, appointed conferees on the part of the House for the consideration of amendments proposed by the House to the following Senate bills:

S.B. No. 1740, S.D. 1 (H.D. 1):

Representatives Takamine, chair; Kawakami, Nakasone, Moses.

S.B. No. 3185, S.D. 2 (H.D. 2):

Representatives Morita, Herkes, Takamine, co-chairs; Thielen.

Hse. Com. No. 780, informing the Senate that the Speaker on April 20, 2006, made the following changes to the conferees on the following bills:

H.B. No. 266, H.D. 1 (S.D. 2):

Added Representative Stevens as a manager.

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

Added Representative Finnegan as a manager.

S.B. No. 3084, S.D. 2 (H.D. 3):

Discharged Representative Evans as Co-Chair.
Added Representative Yamashita as Co-Chair.

S.B. No. 3105, S.D. 2 (H.D. 2):

Discharged Representative Kawakami as Co-Chair.
Added Representative Takamine as Co-Chair.

STANDING COMMITTEE REPORTS

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3705) recommending that H.C.R. No. 53 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3705 and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was deferred until Monday, April 24, 2006.

Senators Inouye and Ige, for the Committee on Transportation and Government Operations and the Committee on Intergovernmental Affairs, presented a joint report (Stand. Com. Rep. No. 3706) recommending that H.C.R. No. 204 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3706 and H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE COUNTIES TO PRIORITIZE EXPENDITURE OF FEDERAL HOMELAND SECURITY FUNDS ON INTEROPERABLE COMMUNICATIONS SYSTEMS," was deferred until Monday, April 24, 2006.

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 3707) recommending that H.C.R. No. 196 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3707 and H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was deferred until Monday, April 24, 2006.

Senator Espero, for the Committee on Business and Economic Development, presented a report (Stand. Com. Rep. No. 3708) recommending that H.C.R. No. 205 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3708 and H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," was deferred until Monday, April 24, 2006.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 3709) recommending that H.C.R. No. 219, H.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3709 and H.C.R. No. 219, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUPPORT THE FORMATION OF A HEALTH INFORMATION EXCHANGE SYSTEM FOR THE STATE OF HAWAII," was deferred until Monday, April 24, 2006.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3710), recommending that H.C.R. No. 147, H.D. 1, be referred to the Committee on Labor.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 147, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROVIDE A DEFINITIVE LEGAL OPINION REGARDING WHETHER CHAPTERS 383, 386, 392, AND 393 HAWAII REVISED STATUTES, EACH EXCLUDE FROM THE DEFINITION OF 'EMPLOYMENT' THOSE INDIVIDUALS WHO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED UNDER THE SOCIAL SECURITY ACT, AS AMENDED, IN THE EMPLOY OF PERSONS, INCLUDING CORPORATIONS AND PRIVATE AGENCIES, WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND WHO ARE THE RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was referred to the Committee on Labor.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3698 (Gov. Msg. No. 341):

Senator Baker moved that Stand. Com. Rep. No. 3698 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Baker then moved that the Senate advise and consent to the nomination of RICHARD CHARLES JACKSON to the Mental Health and Substance Abuse, Oahu Service Area Board, term to expire June 30, 2010, seconded by Senator Chun Oakland.

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

Ayes, 23. Noes, none. Excused, 2 (Hanabusa, Inouye).

ADOPTION OF RESOLUTIONS

MATTERS DEFERRED FROM THURSDAY, APRIL 20, 2006

Stand. Com. Rep. No. 3685 (H.C.R. No. 262, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 262, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEHOE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO

ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was adopted.

Stand. Com. Rep. No. 3686 (H.C.R. No. 12, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 12, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," was adopted.

Stand. Com. Rep. No. 3687 (H.C.R. No. 30, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 30, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAAKO MAKAI," was adopted.

Stand. Com. Rep. No. 3688 (H.C.R. No. 98, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 98, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," was adopted.

Stand. Com. Rep. No. 3689 (H.C.R. No. 155, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 155, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was adopted.

Stand. Com. Rep. No. 3690 (H.C.R. No. 164, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 164, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was adopted.

Stand. Com. Rep. No. 3691 (H.C.R. No. 249):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted.

Stand. Com. Rep. No. 3692 (H.C.R. No. 84):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DEACBROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," was adopted.

Stand. Com. Rep. No. 3693 (H.C.R. No. 76, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 76, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was adopted.

Stand. Com. Rep. No. 3694 (H.C.R. No. 88, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 88, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was adopted with Senator Hemmings voting "No."

Stand. Com. Rep. No. 3695 (H.C.R. No. 197, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 197, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted.

Stand. Com. Rep. No. 3696 (H.C.R. No. 290, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and H.C.R. No. 290, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted.

Stand. Com. Rep. No. 3697 (H.C.R. No. 226, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR

LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was adopted.

Stand. Com. Rep. No. 3699 (H.C.R. No. 47):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was adopted with Senator Slom voting "No."

Stand. Com. Rep. No. 3700 (H.C.R. No. 49, H.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," was adopted.

Stand. Com. Rep. No. 3701 (H.C.R. No. 120):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was adopted.

Stand. Com. Rep. No. 3702 (H.C.R. No. 312, H.D. 1, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.C.R. No. 312, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVENE A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," was adopted with Senators Hemmings, Slom and Whalen voting "No."

Stand. Com. Rep. No. 3703 (H.C.R. No. 86):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the majority of the Committees was adopted and H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was adopted with Senators Hemmings and Slom voting "No."

FINAL READING

Conf. Com. Rep. No. 1-06 (S.B. No. 2479, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 1-06 and S.B. No. 2479, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," was deferred until Tuesday, May 2, 2006.

Conf. Com. Rep. No. 2-06 (S.B. No. 995, S.D. 1, H.D. 1, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 2-06 and S.B. No. 995, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," was deferred until Tuesday, May 2, 2006.

Conf. Com. Rep. No. 3-06 (S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 3-06 and S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," was deferred until Tuesday, May 2, 2006.

Conf. Com. Rep. No. 51-06 (H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1):

By unanimous consent, action on Conf. Com. Rep. No. 51-06 and H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," was deferred until Tuesday, May 2, 2006.

S.B. No. 2357, H.D. 1:

On motion by Senator English, seconded by Senator Kokubun and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 2357, and S.B. No. 2357, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

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

The Senate reconvened at 11:54 o'clock a.m.

RE-REFERRAL OF GOVERNOR'S MESSAGES

The Chair re-referred the following governor's messages that were received:

Governor's Message	Referred to:
No. 444 Agriculture	Committee on Water, Land, and Agriculture
No. 493 Agriculture	Committee on Water, Land, and Agriculture

RE-REFERRAL OF A HOUSE CONCURRENT RESOLUTION

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

House Concurrent Resolution	Referred to:
No. 79	Committee on Transportation and Government Operations

Senator English, Chair of the Committee on Energy, Environment, and International Affairs, requested that the referral of H.C.R. No. 92 to the Committee on Energy, Environment, and International Affairs be waived, and the Chair granted the waiver.

By unanimous consent, the following concurrent resolution was placed on the calendar for Adoption on Monday, April 24, 2006:

H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT E2 AND E3 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES."

Senator Fukunaga, Chair of the Committee on Media, Arts, Science and Technology, requested that the referrals of H.C.R. Nos. 193 and 235 to the Committee on Media, Arts, Science and Technology be waived.

Senator Fukunaga noted:

"Mr. President, both of these have received hearings and have been discussed."

The Chair then granted the waiver.

By unanimous consent, the following concurrent resolutions were placed on the calendar for Adoption on Monday, April 24, 2006:

H.C.R. No. 193, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING"; and

H.C.R. No. 235, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING VIDEO-CONFERENCING CAPABILITY IN THE STATE CAPITOL TO ENSURE CLOSE COMMUNICATION WITH NEIGHBOR ISLAND RESIDENTS."

Senator English, Chair of the Committee on Energy, Environment, and International Affairs, requested a waiver of the public hearing requirement pursuant to Senate Rule 37(7) for Gov. Msg. No. 511, and the Chair granted the waiver.

Senator English then requested that the referral of Gov. Msg. No. 511 to the Committee on Energy, Environment, and International Affairs be waived, and the Chair granted the waiver.

By unanimous consent, the following governor's message was placed on the calendar for Advise and Consent on Monday, April 24, 2006:

Gov. Msg. No. 511, JOHN DELONG to the Board of Directors of the Natural Energy Laboratory of Hawaii Authority, term to expire June 30, 2007.

Senator Hee rose at this time and said:

“Mr. President and colleagues, yesterday we had a confirmation on . . .”

The Chair interjected:

“Point of personal privilege?”

Senator Hee replied:

“I was actually going to make an announcement, but why don’t I stand on a point of personal privilege.

“Yesterday we had a confirmation hearing on Mr. James Haynes, reappointed regent from the Island of Maui. The hearing went a little longer than I anticipated. He was well supported, and the presence of the Governor indicated her strong support although she declined to comment on the nominee. Many members of the regents were present as well as some of our friends like Rick Humphreys and others.

“The hearing went longer than I thought. I don’t think there’s a question about Mr. Haynes’ honesty. I think that is irrefutable. He is honest to a fault. In fact, there were times when he said during the hearing, ‘this will probably get me in trouble, but this is how I feel.’

“It was a very interesting discussion. He feels, for example, very passionately that the Legislature should butt out of the business of the regents. I use the words butt out because those words were used. But he also believes that the Governor should butt out of the business of the board of regents. For me, that is an indication of his candid comments and his honesty.

“Nonetheless, we assume that all of the Governor’s appointments are people of integrity and the highest of honesty. That to me is insufficient. Therefore, in consultation with the members who were present and in consultation with most of the members on the Committee on Higher Education, and in consultation with some of his closest supporters this morning, the Committee on Higher Education will hear the confirmation of James C. Haynes on Tuesday, beginning at 9:30 as well as several other governor’s messages, including the nomination of Dr. Hapai for the East Hawaii.

“If any of the members wish to weigh in, I welcome you to join us. If not, we have a tape of yesterday’s proceedings and you’re more than welcome to have a copy of the tape.

“Thank you, Mr. President.”

Senator Hemmings rose on a point of personal privilege and said:

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

“I was hoping that our procedures concerning advice and consent could be vent in such a manner that it is most of all fair to the people that are offering their services to the public, in this case, free of cost and to the great benefit.

“I think the record should reflect that under the tenure of the current regents, the University of Hawaii has made great strides forward and is really regarded as an entity that we can be very

proud of. The hiring of David McClain was especially lauded by those professionals in that area.

“I will also mention that because of micro-management and interference by the legislative branch of government, the University of Hawaii, and this is duly recorded in e-mails, is under scrutiny for accreditation. I will also point out that the Constitution of the State of Hawaii specifically spells out that the university should be autonomous.

“I will also point out that it’s very difficult for any human being – anytime, anywhere – to undergo the scrutiny that appeared to have happened yesterday at the Higher Ed Committee when a very well-orchestrated inquisition was conducted. I would be willing to tell you, and I would be willing to bet, none of us could say where we were on Saturday night, June 3rd of 1958 or some other minutia question concerning issues that we have dealt with in the distant past. More oftentimes, those questions are asked by someone who has researched it out or has received information from the university Education Committee. In other words, the question is a set up.

“My point being that by everyone’s standards that are fair and nonpolitical, Jimmy Haynes, keiki o ka aina, is a wonderful man who has contributed much to Hawaii. I will be the first to admit that yesterday he did not do well under the castigation and the inquisition of the Higher Ed Committee. Nevertheless, I hope that he will be given a fair hearing and fair consideration by this Body, in spite of the political agendas of those conducting the hearing.

“Thank you, Mr. President.”

Senator Hee rose again and said:

“Mr. President, I just want to note for the record that I’m not sure if the previous speaker was at the hearing that we attended. The Senator from Waikiki certainly was. But for the record, I, or any other Committee member, did not ask where the nominee was on June 3rd, 1958. I want that to be evidently clear.

“Also, I think the last question that I had asked the nominee was, is there anything that may have been unfair in your view? And he didn’t say that the hearing was unfair. In fact, he said, ‘well, I wish I had somebody passing me papers like you have behind you,’ to which I responded, ‘it’s hard to keep up with a regent who’s been one for three years.’

“One thing is evidently clear, as a part Hawaiian, of which Mr. Haynes is, and he made it a point, I shared with him that being also a part Hawaiian, we have a common ancestor, Haloa, although I didn’t use the word Haloa. I said we have a common ancestor.

“Secondly, I had shared with Mr. Haynes that I greatly admired his view on Kaho`olawe as someone who’s passionate about the island and in fact was interested to learn that his brother was one of the original nine that went to Kaho`olawe with Walter Ritte and others. I thought that our conversation was a real good one and I thought the hearing was actually very good.

“I will be meeting with some of the regents this afternoon to continue the dialogue and see where we might have missed, areas that may not have been explored properly. It seems to me we all agree that someone who’s up for reconfirmation, reasonably the Senate should expect that a working knowledge of the university is fair. And in the interest of fairness, the second hearing will be held.

"I would note for the record that in the case of the student regent, Michael Dahilig, and in the case of other regents – Al Landon, Ron Migita – where they are first-time nominees, it's very difficult to have a significant discussion on the workings of the university. That's not true with someone who's been on for three years. That's not true for someone who loves the university as Mr. Haynes, a graduate of the university, does.

"So, we look forward to a continued dialogue of the university as he sees it and his anticipation and expectations as a regent who has served in the past and as a regent who intends to serve in the future.

"Thank you, Mr. President."

APPOINTMENT OF CONFEREES

S.B. No. 2076, 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. 2076, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Espero, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2545, 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. 2545, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Espero, Tsutsui, Trimble as managers on the part of the Senate at such conference.

S.B. No. 2773, S.D. 3 (H.D. 2):

In accordance with the disagreement of the Senate to the amendments proposed by the House to S.B. No. 2773, S.D. 3, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Espero, Kokubun, Hogue as managers on the part of the Senate at such conference.

S.B. No. 2958, 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. 2958, S.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Chun Oakland, Espero, Tsutsui, Whalen as managers on the part of the Senate at such conference.

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

The President appointed Senator Taniguchi as a manager 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. 3021, S.D. 2.

H.B. No. 1021, 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. 1021, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1214, 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. 1214, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Kanno, chair; Espero, co-chair; Hanabusa as managers on the part of the Senate at such conference.

H.B. No. 1800, 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. 1800, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Espero, Kanno, Tsutsui, Hogue as managers on the part of the Senate at such conference.

H.B. No. 1867, H.D. 1 (S.D. 2):

The President appointed Senator Espero 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. 1867, H.D. 1.

H.B. No. 2176, 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. 2176, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Espero, Inouye, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2678, H.D. 2 (S.D. 2):

The President appointed 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. 2678, H.D. 2.

H.B. No. 2947, H.D. 2 (S.D. 2):

The President appointed Senator Espero 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. 2947, H.D. 2.

H.B. No. 2950 (S.D. 2):

The President appointed Senator Espero 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. 2950.

H.B. No. 2966, 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. 2966, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Espero, Tsutsui, Whalen as managers on the part of the Senate at such conference.

H.B. No. 2991, 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. 2991, H.D. 2, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Baker, Espero, Tsutsui as managers on the part of the Senate at such conference.

H.B. No. 3118, 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. 3118, H.D. 1, and the request for a conference on the subject matter thereof, the President appointed Senators Menor, chair; Taniguchi, co-chair; Espero, Fukunaga, Tsutsui, Hogue as managers on the part of the Senate at such conference.

ADJOURNMENT

At 12:05 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 24, 2006.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate