

FORTY-FIRST DAY

Wednesday, March 25, 1992

The Senate of the Sixteenth Legislature of the State of Hawaii, Regular Session of 1992, convened at 11:40 o'clock a.m. with the Vice President in the Chair.

The Divine Blessing was invoked by the Reverend Allan W.H. Lee, United Church of Christ, after which the Roll was called showing all Senators present with the exception of Senators Ikeda, Koki, McMurdo and Nakasato who were excused.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:44 o'clock a.m. with the President in the Chair.

The President announced that he had read and approved the Journal of the Fortieth Day.

The following introductions were then made to the members of the Senate:

Senator Fernandes Salling recognized and introduced Jay Munechika, Jack Munechika and Marc Torres, Kauai Boy Scouts, as follows:

"Mr. President, I'm really pleased today to have on the floor with us three outstanding Boy Scouts from the Island of Kauai. Jay and Jack Munechika and Marc Torres passed a real life test of their emergency first aid skills when they saved the life of 17-month-old Yusuke Mizutani on January 27, 1992. Yusuke, I understand, is related to the Munechikas.

"Jay, Jack and Mark demonstrated great maturity and strong presence of mind as they followed proper emergency procedures that they had learned in Boy Scouts to assist baby Yusuke, who had suffered a febrile seizure and had stopped breathing. I understand that he had a very high fever that night and just stopped breathing, and this was rather late in the evening and the boys were at home when they heard the commotion. They were called in and took immediate action. They averted the tragedy by calling 911 for help, which I might point out that it was a good thing that they were able to save the baby's life because the ambulance got lost. Anyway, by taking turns and using rescue breathing techniques, calming excited relatives, reverting to back blows and the Heimlich maneuver when it appeared that rescue breathing wasn't working, and returning to and continuing with the breathing assistance until the baby responded appropriately, in effect saving the life of 17-month old Yusuke Mizutani.

"At this time, I would like to introduce Jay Munechika, Jack Munechika and Marc Torres. Please stand to be recognized."

The young gentlemen rose to be recognized and were presented the Senate certificate of recognition and leis by Senators Fernandes Salling, A. Kobayashi, Solomon and George.

Senator Fernandes Salling also introduced Kauai Councilman Joe Munechika and his wife Judy, parents of Jay and Jack Munechika, and Mrs. Marla Torres Lam, mother of Marc Torres, who were seated in the audience.

Senator Tungpalan then introduced Leiko Kurosawa and Chiho Bauske, co-captains of the Pearl City High

School Girls' Varsity Softball Team and coach Wes Uyebara as follows:

"Mr. President, it gives me great honor to present the 16th Annual High School Athletic Association Nissan State Softball Championship Team from Pearl City High School, and these are all girls. You know, this past week we confirmed a new State Supreme Court justice and one of the tributes that was paid to him was the fact that he knew how to play baseball. I hope we don't have to wait that long to get a woman on the Supreme Court, but we do know that we have the talent to be on the court just because you know how to play baseball, at least that's a beginning.

"Here with us today on the floor is their coach, Wes Uyebara, and team co-captains, Leiko Kurosawa and Chiho Bauske. Please rise to be recognized for your outstanding achievement."

The honorees rose to be recognized and were presented the congratulatory Senate certificate and leis by Senators Tungpalan, Iwase and Mizuguchi.

Senator Tungpalan also introduced team members, coaches, and parents who were seated in the audience: team members - Jennifer Au Hoy, Bernice Herodies, Teri Ann Kekona, Bridgette Kong, Sara Lacar, April McCue, Loren Okinaka, Jennifer Ono, Kristin Quitariano, and Brandee Uniata; coaches - Keoki Nakashima and Gary Iwatani; and parents - Warren and Lenora Okinaka, Glen Kong, Dennis and Marilyn Au Hoy, and Sandra Lacar.

The Chair then said:

"Coach McCartney, do we ask to challenge the Pearl City High School Girls' Varsity Softball Team?"

Senator McCartney responded:

"Mr. President, it is an honor to have the Pearl City High School champions here. We congratulate all of them!

"I do not dare have the Senate softball team with our coach Senator Iwase attempt to challenge the champions. We're having a hard enough time beating President Simone's team. We would be embarrassed to play in Rainbow Stadium in front of 4,000 fans.

"Mr. President, I want to add a personal note that my wife played in the girls' softball championship tournament back in 1979 for University High. She was selected the most valuable player for that tournament as a pitcher.

"I know how difficult it was for all of you to have made it to where you are, and I want to congratulate all of you.

"Mr. President, I don't think we would stand a chance in a challenge. I'd rather we take our chances with President Simone's team."

Senator Matsuura then introduced Mr. and Mrs. Carl Okuyama, visitors from Hilo, who were seated in the audience.

Senator Crozier then introduced Mr. Chris McDonald of the Office of Maori Affairs, New Zealand. Mr. McDonald was invited by Senator Crozier to spend six weeks as an intern in his office.

At 11:52 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:56 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 245 to 271) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 245, dated March 11, 1992, transmitting the 1991 Annual Report of the Hawaii Housing Authority, in response to Chapter 356, HRS, was placed on file.

Gov. Msg. No. 246, dated March 23, 1992, transmitting the 1991 Annual Report of The Research Corporation of the University of Hawaii, in response to Section 307.6, HRS, was placed on file.

Gov. Msg. No. 247, submitting for consideration and confirmation to the Board of Directors, Aloha Tower Development Corporation, the nomination of Rhonda Nishimura, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 248, submitting for consideration and confirmation to the Consumer Advisory Council, the nominations of Seung-Ji Lee, Angela M. Morehead and L. John Williamson, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 249, submitting for consideration and confirmation to the State Foundation on Culture and the Arts, the nominations of Judy D. Bisgard, Rowena K. Keaka, and Ricardo D. Trimillos, Ph.D., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 250, submitting for consideration and confirmation to the State Emergency Medical Services Advisory Committee, the nominations of: Winthrop Scott Schaefer, term to expire June 30, 1993; Geraldine L. Masunaga, R.N., and Stephen L. Schumm, terms to expire June 30, 1994; Curtis Matsui, term to expire June 30, 1995; and Kenneth T. Ono, Miriam K. Kahalekai, Linda Marie Rosen, M.D., David Scott Gilbert, R.N., and Patricia Jean Kelford, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 251, submitting for consideration and confirmation to the Hawaii Housing Authority, the nomination of Katsugo Miho, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 252, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: Patricia Allen Estes, MPH, term to expire June 30, 1995; and Alice Y. Kim, William R. Flanders, Catherine Nobriga Kim and Theresa Smith, M.D., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 253, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nominations of: Darlene G. McKinley, term to expire June 30, 1994; and Elizabeth Giesting, Walter S. Kirimitsu, Rodney T. Sakaguchi, Sandra J. Wells, Seymour Schandler and Valisa Saunders, R.N., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 254, submitting for consideration and confirmation to the Central Oahu Subarea Health Planning Council, the nominations of: Richard F. Kolbe,

term to expire June 30, 1994; and Adela G. Sanidad, Kathleen Y. Doi, R.N., Carl T. Hamada and Jacqueline G. Bacon, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 255, submitting for consideration and confirmation to the Waianae Coast Subarea Health Planning Council, the nominations of: L. Riki Cheever, Donna L. Broome and Airleen Lucero, terms to expire June 30, 1993; and Thomas J.K. Wolfe, R.N., Barbara Elizabeth Campbell and Mary Ojerio, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 256, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: Nancy K.Y. Yuen, term to expire June 30, 1993; Harvey W. Smith, term to expire June 30, 1994; and Anuja A. Sabnis, Arnold Y. Matsunobu and Natalie Oda, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 257, submitting for consideration and confirmation to the Hawaii County Subarea Health Planning Council, the nominations of: Cynthia K. Sorenson, term to expire June 30, 1995; and Kenji Nagao, Anh N. Lambeth, Emma K.S. Lau, R.N., Albert A. Nakaji, Kiyotoshi Ozaki and Theresa Smith, M.D., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 258, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of: Michael A. Faye, term to expire June 30, 1995; Laura Jean Kawamura, Keith Horinouchi, D.H.Sc., Abel Medeiros, Orianna A. Skomoroch and Charlene K. Ono, R.N., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 259, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of William Collins Drury and Gary Robert, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 260, submitting for consideration and confirmation to the Library Advisory Commission, City and County of Honolulu, the nominations of Olga Ruth Sniffen, Veronica L.K. Medeiros and Kay K. Nagaishi, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 261, submitting for consideration and confirmation to the Library Advisory Commission, County of Hawaii, the nominations of Roxane G. Iwamoto, Beatrice L. Lau, Geraldine Minn Giffin and Barry Guerrero, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 262, submitting for consideration and confirmation to the Library Advisory Commission, County of Kauai, the nominations of: James M. Okada, term to expire June 30, 1994; and June K. Achi, Mildred Hiramoto and Michael Machado, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 263, submitting for consideration and confirmation to the Library Advisory Commission, County of Maui, the nominations of Harvey Stewart Janis, Sheldeen M. Takeo, Lila Douglas Swink and Sandra M. Wada, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 264, submitting for consideration and confirmation to the Board of Medical Examiners, the nomination of Bernice E. Coleman, M.D., term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 265, submitting for consideration and confirmation to the Board of Pharmacy, the nomination of Bryce H. Nakamura, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 266, submitting for consideration and confirmation to the Board of Physical Therapy, the nominations of: Roy S. Murakami, term to expire June 30, 1995; and Craig B. Nagata and Cynthia Louise Price, terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 267, submitting for consideration and confirmation to the Board of Registration, Island of Oahu, the nominations of: Douglass T.K. Pang, term to expire June 30, 1995; and Elwin L. Spray, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 268, submitting for consideration and confirmation to the Board of Registration, Island of Hawaii, the nomination of Daisy U. Smith, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 269, submitting for consideration and confirmation to the Board of Registration, Kauai and Niihau, the nomination of Dale N.Y. Takiguchi, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 270, submitting for consideration and confirmation to the Board of Registration, Maui, Molokai, Lanai and Kahoolawe, the nominations of: John K. Kaalekahi, term to expire June 30, 1994; and James E. Alder, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 271, submitting for consideration and confirmation to the Western Interstate Commission for Higher Education, the nomination of Gerald L. De Mello, term to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 272, informing the Senate that on March 25, 1992, he signed into law House Bill No. 3103 as Act 3, entitled: "RELATING TO SUPPLEMENTARY APPROPRIATIONS FOR THE FISCAL YEAR ENDING JUNE 30, 1992," was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 395 to 398) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 395, transmitting H.C.R. No. 34, which was adopted by the House of Representatives on March 24, 1992, was placed on file.

By unanimous consent, H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS TO SUPPORT THE AVAILABILITY OF THE ANTIPROGESTERONE STEROID MIFEPRISTONE, KNOWN AS RU-486, AND OTHER RELATED AGENTS FOR APPROPRIATE RESEARCH AND CLINICAL TRIALS IN THE UNITED STATES," was referred to the Committee on Health and Human Services.

Hse. Com. No. 396, transmitting H.C.R. No. 56, which was adopted by the House of Representatives on March 24, 1992, was placed on file.

By unanimous consent, H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE BUSINESS COMMUNITY TO CONSIDER SPONSORING FOREIGN BUSINESS INTERNS IN THE INTERNATIONAL ASSOCIATION OF STUDENTS IN ECONOMICS AND COMMERCE-HAWAII TRAINEESHIP EXCHANGE PROGRAM," was referred to the Committee on Science, Technology and Economic Development.

Hse. Com. No. 397, transmitting H.C.R. No. 83, which was adopted by the House of Representatives on March 24, 1992, was placed on file.

By unanimous consent, H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REASSESSMENT OF THE ADMINISTRATION AND OVERALL EFFECTIVENESS OF THE SECTION 8 CERTIFICATE OR VOUCHER PROGRAM," was referred to the Committee on Housing and Hawaiian Programs.

Hse. Com. No. 398, transmitting H.C.R. No. 94, which was adopted by the House of Representatives on March 24, 1992, was placed on file.

By unanimous consent, H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO INVESTIGATE THE FEASIBILITY OF EASING RESTRICTIONS ON THE IMMIGRATION OF CITIZENS FROM THE PHILIPPINES WHO VENTURE TO THE UNITED STATES AS DOMESTIC AND AGRICULTURAL WORKERS," was referred to the Committee on Employment and Public Institutions.

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 2431 (Gov. Msg. No. 216):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2431 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate consent to the nomination of CORINNE K.A. WATANABE for Associate Judge of the Intermediate Appellate Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Hagino.

Senator A. Kobayashi rose to speak in support of the nominee and stated:

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

"There was a tremendous outpouring of support for Corinne Watanabe from people in the community, from the staff of the department of the attorney general, from the public defender's office, department heads and prosecuting attorneys. There were so many people who came forth to express their praise of Corinne Watanabe.

"It can all be summed up best if I read parts of the attorney general's testimony, and I quote: 'Corinne will easily make the transition to the bench because she is a fine lawyer. She possesses a deep strength of character and personal integrity, and has the fortitude to make the tough decisions. She is exceptionally bright and extremely talented as a writer. She is as knowledgeable about the laws of Hawaii as perhaps anybody in this

state. And last but not least, she has an inordinate amount of good old common sense.'

"His last statement is one I would like to echo as words of my own. Warren Price said, 'I can think of no one better suited to represent our state appellate judicial system.'

"Mr. President, I urge all of my colleagues to support Corinne Watanabe, gubernatorial nominee to the Intermediate Appellate Court. Thank you."

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

"Mr. President, speaking in support of the previous speaker's recommendations, I also would like to add my support and to urge all of my colleagues for positive consideration of the nominee.

"Corinne Watanabe has excellent academic credentials. She received many honors as an undergraduate at the University of Hawaii and at Baylor Law School.

"Numerous testimonies cite her intelligence, understanding of the law, analytical fairness, and impartiality. I was very much impressed with her long service in the attorney general's office where she served as legal counsel to many state departments, boards and commissions. She has had considerable exposure to the innumerable facets of law. I feel, Mr. President, that she would make an excellent judge. Thank you."

Senator Hagino added his support of the nominee as follows:

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

"Before I start, at the risk of sounding crude, I'm sorry that the Boy Scouts left because I was eating a breath saver before you called me and just before I stood up I kind of swallowed my breath saver. Before I'm through with my speech I may need their services.

"Today, I feel as proud as an expectant father but before the rumor starts I wish to reiterate that my wife is not expecting, but I am proud today. The reason why I'm proud is that Corinne Watanabe is before the Senate for confirmation to the Intermediate Appellate Court. I also was present at the hearing for her confirmation last week and the attorney general, during his presentation, mentioned that one of Corinne's characters was that she has displayed good Wahiawa common sense, and I agree.

"I've known Corinne since high school, and this is not hindsight, but, even way back then anyone who knew her also knew that she displayed qualities of a person that would be extremely successful in any undertaking she chose. Corinne's scholastic record was outstanding and she certainly left her mark at Leilehua High School.

"With all modesty, Mr. President, I too left my mark at Leilehua High School, but that was because I blew up the chemistry lab. And I can see Corinne and her sister laughing and they're probably now saying, 'Oh, so he was the one.' Mr. President, in Corinne we will be getting the very best of her class and, believe me, her class had a lot of cream in it.

"Others will probably speak, or have spoken, about her legal abilities and her competency but I would like to highlight two aspects of her to give us an insight about her character.

"Corinne grew up in the pineapple country of Wahiawa. Her father Keiji worked for Dole Pineapple

Company. I don't know his title but when I was working there he was known as one of the big bosses and because of that he certainly could have used his influence to get any of his children the easy jobs during the summer, jobs such as a radio dispatcher. A dispatcher was one who would wait for the pineapple trucks to come in and would staple a shipping tag to the bin and the bin would then be moved on to a bigger trailer truck. I'm sure her father could have probably gotten her that job, or for any of her sisters or brothers, because I certainly saw a lot of supervisors' sons get those jobs. On rainy days they didn't even get out of the building because they would just open the window and attach the tag on to the bin. Those were some of the easy jobs that she could have easily gotten.

"I was fortunate to work my eight summers at Dole, at one time or another with Corinne and her sisters, picking pineapples during the hot summer months. Her brothers also worked in the pineapple fields, picking pineapples. This may not seem like much, but to me it tells a lot about the character of the Amemiya family. Picture yourself being sixteen years old and having to work in this very physical and demanding job. So don't tell me that Corinne's not tough. She certainly is. What she learned there, she will carry through the rest of her life.

"The second point I want to bring out about Corinne is that she is a product of our public schools. I'm proud to admit that I am biased for public schools. Corinne, her brothers and her sisters all went to public schools. In fact, last week I bumped into Corinne at a honors band concert that was held at Leilehua High School and she was there to support her daughter who was a representative of Mililani High School.

"Last night at a function that I attended, I talked to several Whitmore seniors who were entertaining at one of the social events of the year. They wanted me to convey to Corinne their support and their congratulations, and to also express how proud they were of her.

"Mr. President, I think I'd better stop because I'm running out of superlatives and I do want to save some because I honestly feel that Corinne will be before us in the near future again.

"I do want to repeat that, today, all of Wahiawa -- to be more specific, Whitmore Village -- is bursting with pride. So, if I may, Mr. President, to Corinne, on behalf of Gladys Kamisato, Mrs. Nonaka, Betty Ufano, Mrs. Harada, Mr. and Mrs. Tamondong and all the people of Whitmore Village and Wahiawa, in anticipation of your confirmation, want to wish you congratulations and good luck!

"I urge all my colleagues to vote in favor of Corinne Watanabe."

Senator Chang also rose to support the nominee and said:

"Mr. President, I presided over the hearings when Corinne Watanabe was nominated as attorney general for the State of Hawaii and, based on the information that was presented to the Senate at that time, I can personally attest that Corinne has the character, temperament and qualifications to be a very good judge.

"I rise today as the closest calabash cousin to certain families in Wahiawa, Haleiwa and Waiialua. On behalf of the Matsumotos, Teranishis, Saifukus, Nishimuras, Fukunagas and Nakaharas, we'd like to wish the nominee success in her new endeavors. Thank you."

Senator Iwase, at this time, rose to request that he be excused from voting on the nominee (his sister-in-law), and the President so ordered.

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

Ayes, 18. Noes, 1 (Reed). Excused, 6 (Cobb, Ikeda, Iwase, Koki, McMurdo, Nakasato).

Senator A. Kobayashi then rose to introduce the Honorable Corinne K.A. Watanabe, seated in the audience, accompanied by her husband and children, mother, and members of her family.

Ldr. Com. Rep. No. 2432 (Gov. Msg. No. 217):

Senator A. Kobayashi moved that Ldr. Com. Rep. No. 2432 be received and placed on file, seconded by Senator Hagino and carried.

Senator A. Kobayashi then moved that the Senate consent to the nomination of KAREN N. BLONDIN for 15th Judge of the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Hagino.

Senator A. Kobayashi rose to speak in support of the nominee and stated:

"Mr. President, the very same day we had the hearing for Corinne Watanabe, we had another lengthy hearing for Karen Blondin. There were over 80 people who sent in testimony supporting her nomination, and I am speaking in support of the nomination.

"Of all the testimonies given, and I have gone through all of them again, there is one testimony from Gerald Sekiya which I would like to read from because it sums up best what everyone else said, and I quote: 'Ms. Blondin was appointed by the court annex arbitration program as an arbitrator in a tort case I handled approximately two years ago. Upon her appointment as an arbitrator in our case, I was initially concerned about Ms. Blondin's apparent lack of experience in personal injury matters and in litigation of tort cases. However, her handling of the situation as an arbitrator was superb. As you may be aware, serving as an arbitrator is very similar to performing the duties and the role of a judge. Our office found her to be very professional, qualified, diligent, conscientious, and to have the kind of demeanor we seek in our judges. Although this experience with her as arbitrator in our case may be considered a limited one, I felt and continue to feel that it serves as a very reliable basis for assessing that Ms. Blondin has the makings and qualifications to become a good trial judge.'

"These very same sentiments were expressed time and time again and, in this large folder of testimonies, Warren Price came forward, the public defender, the prosecutor, and attorneys from all over the state, all attesting to Karen Blondin's fine qualifications and how they know that she will become a very good judge in the circuit court.

"I urge all of you to vote 'yes.' Thank you."

Senator Solomon also supported the nominee and remarked:

"Mr. President, I too would like to support the previous speaker's remarks in urging my colleagues to vote 'yes' on the nominee.

"As you know, Mr. President, we had many testimonies presented in reference to Karen Blondin as to her inadequacy in trial experience and, at that time, the committee did mention that the Judiciary Committee has a resolution to look into the matter in terms of criteria for future judiciary selection concerns. Also, Mr. President, many testimonies, by a wide array of legal minds, did indicate that trial experience is not a compelling criteria. I'm hoping that the Judiciary Committee would seriously take that into consideration, in reference to how we can clarify this matter.

"Mr. President, I feel quite confident that Karen Blondin as the State Ombudsman and as a deputy attorney general has had considerable experience in legal analysis and decision-making. She is said to have done an admirable job in these capacities and is cited for her intelligence, diligence, and objectivity.

"I believe that she would be an asset to the State Judiciary and I am in favor of her confirmation. I urge all my colleagues to support the nominee. Thank you."

Senator Iwase also supported the nominee and said:

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

"I was watching a debate a couple of weeks ago and a presidential candidate once said of an incumbent of a national office that that person had no core. I'd just like to say that having served as Karen Blondin's supervisor, she is an individual who has a 'core.' She has heart; she has compassion; she has integrity; she works with diligence; she is fair; she cares and she is committed to public service.

"I too sat at the nomination hearing and heard people talk about the trial experience factor. And while I respect the opinion of those who took that point of view, I would hope that in deciding whether or not an individual should be a judge, we would be something more than mere technicians or public accountants, adding up various sterile points, and look at the core of an individual to determine if that person in the long run, over the course of time, would be a good, fair, compassionate judge to the people of this state, and I think Karen Blondin would represent that.

"Thank you, Mr. President."

Senator McCartney also supported the nominee and said:

"Mr. President, I too rise to speak in favor of the nomination and I would like to echo the words of the previous speakers. I'd like to speak on the issue of trial experience because I share the concerns of the other two speakers.

"I don't know if trial experience is a necessary criteria to evaluate whether an individual is able and capable to serve on the bench, and I look to the issue of a coach and a player. It doesn't mean that a good coach is necessarily a good player or a good player is necessarily a good coach. We have some fine coaches in all different professional sports who are not good players but they are excellent coaches. I think the same applies to judges and I think that it might even be a benefit that this individual does not have the trial experience and will not come in with some of the biases that people who practice in the courtroom may. I think we need to look at the individual. I think very strongly that Karen has a strong content of character; she has integrity; she has a commitment to fairness; she is intelligent.

"I think, most importantly, she has a sensitivity to Hawaii and what Hawaii is all about; what our unique cultural diversities and heritage are about, and she will take that to the bench. I think that that is something we all can put our hats on and support her on. I wholeheartedly support her confirmation and wish her all the best after that. Thank you."

Senator Chang added his support as follows:

"Mr. President, having presided over many hearings on the qualifications of judicial nominees, my views on the subject of character, temperament and qualifications for judges are already on the record. I could not summarize those views better than my colleagues from Mililani and Kahaluu so I won't reiterate those views today. I just want to add to the qualities that they have described of the nominee. I have worked with her while she has been the ombudsman for the State of Hawaii and find that she brings discipline and diligence to her work. She's very good in factual inquiry, has a strong sense of fairness and strength of mind, resilience and balance, all of which makes her a great judge. I join my colleagues in supporting this nomination. Thank you."

Senator Holt also supported the nomination and said:

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

"I have before me a letter I just received from a Howard Chong Jr. I believe he is the former Republican Party chairman locally. One of the statements in his letter says, 'I fully understand this is a political appointment and for my Democrat friends a most difficult one to vote down.' And he goes on in opposition to the nomination.

"I take exception to the statement that I just read. Just to let people know that I'll be voting with a clear conscience, not because the nominee is a woman, though I'm proud of that fact and that we'll have another female judge on the bench; I'm voting for her not because she's local, having been born and raised in Hawaii, though I'm very proud of that; I'm voting for her not because she is part-Hawaiian, though I'm very, very proud of that; I'm voting for her with a clear conscience that this is not a political appointment but rather a vote for our judicial system which needs a balance that an able and sensitive Karen Blondin will bring to the bench.

"I urge all of my colleagues to vote in support of this nomination."

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

Ayes, 20. Noes, 1 (George). Excused, 4 (Ikeda, Koki, McMurdo, Nakasato).

At this time, Senator A. Kobayashi introduced the Honorable Karen N. Blondin who was seated in the gallery, accompanied by her parents and friends.

RE-REFERRAL OF SENATE CONCURRENT RESOLUTION

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

Senate
Concurrent
Resolution

Referred to:

40 Committee on Consumer Protection and Business Regulation, then to the Committee on Judiciary

RE-REFERRAL OF SENATE RESOLUTION

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

Senate
Resolution Referred to:

No. 34 Committee on Consumer Protection and Business Regulation, then to the Committee on Judiciary

At this time, Senator McCartney rose to speak on a point of personal privilege as follows:

"Mr. President, I just want to rise on a short point of personal privilege, and speak very briefly on the subject of education.

"We have many things that need to be done in our educational system in order to improve the quality of our children's education. I still believe that we work on the 3 Rs -- reform, restructure and provide resources into the system. We just received the completed report of the Governor's Task Force on Educational Governance which has been submitted to all of us for review and comments. As chair of the Education Committee, I would welcome any recommendations, comments and/or feedback that you might have and I believe we will have the opportunity for dialogue with the Lt. Governor and members of the task force in the future.

"Publicly, for the record, I want to say that I think the task force did a good job. They held hearings statewide and got a lot of input, created a lot of debate and discussion and, I believe, the proposal is a solid foundation for us to work off of. It has been a lightning bolt that has sparked a lot of enthusiasm here at the Legislature and people are focusing in on education. I want to commend the task force for that. I think the ball is now in our court and we need to make some very, very tough decisions.

"There's been a lot of controversy evolving, in terms of unions and what their stands have been, but it's been healthy and good for the people. The bottom line in whatever decision we make, students and kids have to come first.

"I want to commend one of the unions for taking a very good stand, a positive stand, as indicated in their newsletter the other day. Some people in our business community have been saying that unions are a barrier, well, if you will look at the HGEA monthly newsletter the headline says, 'We support reforms.' It was one of the best articles I have seen put together supporting school-community based management (SCBM) and reform in education. I think they should be commended for that. They've taken a bold step to move forward, rather than being resistant. I want to commend the HGEA for moving forward on that and they need to be recognized. I think that we need to work more closely and collaboratively because the issue is not how we are going to stand up and knock each other down. The issue is how we are going to work together collaboratively to find solutions.

"If we believe in SCBM and want people to work collaboratively at the school level, we must not start fighting each other and start taking strong positions and

start knocking each other down -- we have to work collaboratively. I think we all need to keep that in mind.

"I just wanted to put that on the record and to share those thoughts with you of something good that is going on out there in education. Thank you."

Senator Chang then rose on a point of parliamentary inquiry as follows:

"Mr. President, following the request of the Senator from Kahaluu to think good thoughts on the last day of the week, inasmuch as tomorrow is a holiday and Friday is a recess, I guess today is the good thoughts day so I rise on a point of parliamentary inquiry.

"Earlier, Mr. President, you had asked the Senate Clerk to note my 'presidence.' My question to you is, is that a permanent or temporary appointment?"

The Chair responded:

"Senator Chang, that was the farthest thought in my mind. So, I stand corrected."

Senator Levin also rose on a point of personal privilege as follows:

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

"A brief question for Senator McCartney. In his earlier remarks he indicated that being a good coach does not necessarily mean being a good player and vice versa. I'm wondering whether he was insulting Senator Iwase and Senator Crozier's playing ability or their coaching abilities?"

ADJOURNMENT

At 12:23 o'clock p.m., on motion by Senator Solomon, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 30, 1992.