

## FORTY-FIRST DAY

## Wednesday, March 28, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:37 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Marie Rosso, Maryknoll Sisters, after which the Roll was called showing all Senators present with the exception of Senators Kim and Matsuura who were excused.

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

Senator Kawamoto, on behalf of Senator Menor and himself, congratulated and introduced the following recipients of the Waipahu Business Association's 13<sup>th</sup> Annual Pride in Waipahu Awards: Brigadier General Clarence Agena, Pride in Waipahu Award for Community Service; Walter Saiki for Saiki Motors, Pride in Waipahu Award for Business; and Keith Morioka, Pride of Waipahu Award for Education. Other recipients who were not able to attend were Curtis Young, Anita Nihei, Fred Daguman, and Agnes Ishii.

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.

## ORDER OF THE DAY

## AGREE/DISAGREE

MATTERS DEFERRED FROM  
TUESDAY, MARCH 27, 2001

S.B. No. 1061, S.D. 1 (H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1061, S.D. 1, and requested a conference on the subject matter thereof.

S.B. No. 1276, S.D. 1 (H.D. 1):

On motion by Senator English, seconded by Senator Hemmings and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1276, S.D. 1, and requested a conference on the subject matter thereof.

## THIRD READING

MATTERS DEFERRED FROM  
TUESDAY, MARCH 27, 2001

H.B. No. 1547, H.D. 1:

Senator Kawamoto moved that H.B. No. 1547, H.D. 1, having been read throughout, pass Third Reading, seconded by Senator Fukunaga.

Senator Hemmings rose to speak in favor of the measure with reservations as follows:

"Mr. President, I rise to speak in favor of H.B. No. 1547, H.D. 1, with reservations.

"Briefly and to the point, this is just another fee heaped on the people of Hawaii which adds to the total cost and burden of living in Hawaii, albeit some people may find it rationalized by the modest increase in the fees. Nevertheless, the proponents of this bill never did explain to the Committee at the hearing, to my satisfaction, that it was necessary. Hence, I will be voting for it, with reservations, in the hope that we can moderate fee increases such as this in the future.

"Thank you."

Senators Slom and Hogue requested their votes be cast "aye, with reservations," and the Chair so ordered.

The motion was put by the Chair and carried, H.B. No. 1547, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TOWING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, 1 (Kanno). Excused, 2 (Kim, Matsuura).

H.B. No. 986, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 986, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION DOCUMENTS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

H.B. No. 1001:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 1001, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

H.B. No. 1004, H.D. 1:

By unanimous consent H.B. No. 1004, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ORIGINAL JURISDICTION OF THE HAWAII SUPREME COURT," was recommitted to the Committee on Judiciary.

H.B. No. 587, H.D. 1:

On motion by Senator Menor, seconded by Senator Matsunaga and carried, H.B. No. 587, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKER LICENSING," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

H.B. No. 645, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Chun and carried, H.B. No. 645, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF INCOMPETENT PERSONS," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

## ADVISE AND CONSENT

Stand. Com. Rep. No. 1293 (Gov. Msg. No. 161):

Senator Inouye moved that Stand. Com. Rep. No. 1293 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of JOBRIATH L. ROHRER to the Endangered Species Recovery Committee, terms to expire June 30, 2001, and June 30, 2005, seconded by Senator Chun Oakland.

Senator Inouye requested the following remarks be inserted into the Journal:

“Mr. President and members, your Committee on Water, Land, Energy, and Environment would like your support for the confirmation of Jobriath L. Rohrer, gubernatorial nominee to the Endangered Species Recovery Committee, for a term to expire June 30, 2001, and for a reappointment to expire June 30, 2005.

“Mr. Rohrer has worked in the army ecosystem management program on Oahu for the past five years in the areas of conservation, management, and restoration of threatened and endangered species and native ecosystems. His work with the army has concentrated on management and restoration of army training lands and has provided him with valuable experience in field applications of conservation techniques.

“Mr. Rohrer has field experience in an integrated program of predator, weed, and feral ungulate control, combined with active reforestation and outplanting programs of native and endangered plants in the restoration of native ecosystems on army lands.

“He is also a member of, and worked closely with, resource agency and community members of the Hawaii Rare Plant Restoration Group, the Toxicant Working Group, Oahu Invasive Species Committee, and the Waianae Feral Goat Management Team.

“Mr. Rohrer is a graduate of the University of Hawaii at Manoa, with a Bachelor’s Degree in Zoology.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which he has been nominated and recommends that the Senate support the nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

Stand. Com. Rep. No. 1294 (Gov. Msg. No. 162):

Senator Inouye moved that Stand. Com. Rep. No. 1294 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of PUANANI ROGERS to the Environmental Council, term to expire June 30, 2004, seconded by Senator Chun Oakland.

Senator Inouye requested the following remarks be inserted into the Journal:

“Mr. President and members, your Committee on Water, Land, Energy, and Environment would like your support for the confirmation of Puanani Rogers, gubernatorial nominee to the Environmental Council, for a term to expire June 30, 2004.

“Ms. Rogers is active in numerous community organizations, including Ho’okipa Network, which she co-founded, Kauai Historical Society, Ka Lahui Hawaii, Ahupua’a Action Alliance, and Kauai Makihana Festival.

“A graduate of Kamehameha Schools, Ms. Rogers attended Kauai Community College, and has worked as a receptionist, real estate agent, and a musician. Her extensive community contacts and knowledge of environmental and cultural issues will be an asset to the Environmental Council.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which she has been nominated and recommends that the Senate support the nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

Stand. Com. Rep. No. 1295 (Gov. Msg. No. 163):

Senator Inouye moved that Stand. Com. Rep. No. 1295 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of CHRISTINE H.H. CAMP to the Hawai’i Community Development Authority, term to expire June 30, 2003, seconded by Senator Chun Oakland.

Senator Inouye requested the following remarks be inserted into the Journal:

“Mr. President and members, Ms. Camp brings more than 15 years experience in real estate development to the authority. Prior to founding Avalon Development Company in 1999, Ms. Camp served as vice president of development for Alexander & Baldwin’s property development subsidiary.

“Ms. Camp is active in several professional and community organizations and is president of the Hawaii Developers Council, Vice Chair of the Small Business Council, and a member of the board of the Chamber of Commerce of Hawaii.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which she has been nominated and recommends that the Senate support the nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

Stand. Com. Rep. No. 1296 (Gov. Msg. No. 168):

Senator Inouye moved that Stand. Com. Rep. No. 1296 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nominations of JOHN MORGAN and JOHN MYRDAL to the Kaneohe Bay Regional Council, terms to expire June 30, 2004, seconded by Senator Chun Oakland.

Senator Inouye requested the following remarks be inserted into the Journal:

“Mr. President and members, your Committee on Water, Land, Energy, and Environment would like your support for the confirmation of John Myrdal, gubernatorial nominee to the Kaneohe Bay Regional Council, for a term to expire June 30, 2004.

“Mr. Myrdal was selected for appointment to the position as the recreational boating representative to the Kaneohe Bay Regional Council through procedures adopted by the Council for this purpose. Previously, no clear or impartial mechanism had been available for identifying and selecting recreational boaters for membership to the council. Upon the council’s recommendation, the Governor appointed Mr. Myrdal to serve as recreational boating representative upon the expiration of the term of the previous incumbent. Mr. Myrdal has been serving in an interim capacity, pending approval by the Legislature.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which he has been nominated and recommends that the Senate support the nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

Stand. Com. Rep. No. 1297 (Gov. Msg. No. 170):

Senator Inouye moved that Stand. Com. Rep. No. 1297 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of FRED C. HOLSCHUH, M.D., to the Board of Land and Natural Resources, term to expire June 30, 2002, seconded by Senator Chun Oakland.

Senator Inouye requested the following remarks be inserted into the Journal:

“Mr. President and members, your Committee on Water, Land, Energy, and Environment would like your support for the confirmation of Dr. Fred C. Holschuh, gubernatorial nominee to the Board of Land and Natural Resources, for a term to expire June 30, 2002.

“Dr. Holschuh began his career as an emergency physician in 1971, a profession he practiced until his recent retirement. He served as chief of staff of the Hilo Medical Center from 1990-1993, and was honored as the Physician of the Year in 1997 by the Hawaii Medical Association.

“Dr. Holschuh is active in a number of professional and community organizations, including the Domestic Violence Inter-Agency Team, Madd Education Committee, Hamakua Lions Club, and Ahualoa Community Association.

“As an acting member of the Board of Land and Natural Resources, he has shown a willingness to listen to all points of

view and has demonstrated his commitment to a full understanding of the issues before reaching a decision.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which he has been nominated and recommends that the Senate support the nomination.”

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

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

Stand. Com. Rep. No. 1298 (Gov. Msg. No. 116):

Senator Inouye moved that Stand. Com. Rep. No. 1298 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Inouye then moved that the Senate advise and consent to the nomination of GILBERT S. COLOMA-AGARAN as Chairperson, Board of Land and Natural Resources, term to expire December 31, 2002, seconded by Senator Chun Oakland.

Senator Inouye rose in support of the nominee and said:

“Mr. President, I speak on behalf of Gov. Msg. No. 116 and the appointment of Gilbert S. Coloma-Agaran.

“Mr. President and members, your Committee on Water, Land, Energy, and Environment, on behalf of the recommendation of myself and Vice-Chair Chun Oakland, would like your support for the confirmation of Gilbert S. Coloma-Agaran, gubernatorial nominee as Chairperson of the Board of Land and Natural Resources, for a term to expire December 31, 2002.

“For the four months preceding his current appointment, Mr. Agaran served as Director of Labor and Industrial Relations. He has also served as Deputy Director of the Department of Commerce and Consumer Affairs and as the First Deputy to the Chairperson of the Board of Land and Natural Resources.

“Before joining the Cayetano Administration, Mr. Agaran practiced law with Carlsmith Ball LLP. Mr. Agaran graduated with a law degree from Boalt Hall School Of Law at the University Of California at Berkeley and is admitted to practice before the Hawaii and California Bars, the Ninth Circuit Court of Appeals, and the Federal District Court for the District of Hawaii.

“Mr. Agaran currently serves on the boards of the National Asian Pacific Bar Association-Hawaii Chapter and the Yale Club of Hawaii. He is a member of the Hawaii Institute for Public Affairs, the Filipino Chamber of Commerce of Hawaii, the Hawaii State Bar Association, Kahului Filipino Community Association, Pinili-Badoc Maui Association, and Saranay Maui.

“Your Committee finds that Mr. Agaran has stated his commitment to working closely with other natural resource agencies and in partnership with communities, individuals, and private agencies interested in protecting Hawaii’s natural resources.

“After full consideration of the background, character, experience, and qualifications of the nominee, the Committee has found the nominee to be qualified for the position to which he has been nominated and recommends that the Senate support the nomination.

“Thank you, Mr. President, and thank you members.”

No. 101 Committee on Judiciary

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

No. 102 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

Ayes, 23. Noes, none. Excused, 2 (Kim, Matsuura).

**RE-REFERRAL OF  
SENATE CONCURRENT RESOLUTIONS**

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

Senate  
Concurrent  
Resolution Referred to:

No. 39 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology

No. 49 Jointly to the Committee on Water, Land, Energy, and Environment, the Committee on Economic Development and Technology and the Committee on Transportation, Military Affairs, and Government Operations

No. 50 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology

No. 62 Committee on Judiciary

No. 66 Committee on Judiciary

No. 75 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology

No. 127 Committee on Commerce, Consumer Protection and Housing

No. 128 Committee on Commerce, Consumer Protection and Housing

No. 139 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Hawaiian Affairs

No. 140 Jointly to the Committee on Economic Development and Technology and the Committee on Water, Land, Energy, and Environment

No. 144 Committee on Judiciary

No. 158 Committee on Water, Land, Energy, and Environment, then to the Committee on Economic Development and Technology

No. 160 Committee on Judiciary

**RE-REFERRAL OF  
SENATE RESOLUTIONS**

The Chair re-referred the following resolutions that were offered:

Senate  
Resolution Referred to:

No. 48 Committee on Judiciary

**ADJOURNMENT**

At 12:05 o'clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 29, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate