

## FIFTY-THIRD DAY

Friday, April 20, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Father Michael Crosby, Co-Cathedral of St. Theresa, after which the Roll was called showing all Senators present with the exception of Senator Menor who was excused.

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

At this time, the following introductions were made to the members of the Senate:

Senator Kawamoto introduced Judge Walter Heen and commended him for his lifelong dedication to public service and for the integrity and loyalty he brings to all aspects of his commitment to the people of Hawaii.

Senator Ige congratulated the University of Hawaii Rainbow Wahine Basketball Team on their victory in the National Women's Invitation Tournament and their very first Final Four appearance and introduced the following representatives of the team: Christa Brossman, guard; Dainora Puida, center; Jade Abel, redshirt freshman; Head Coach Vince Goo; Assistant Coaches Da Houli, Serenda Valdez, and Jon Newlee; and Sports Information Director Neal Iwamoto.

At 11:47 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.

## MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 313 to 315) were read by the Clerk and were placed on file:

Gov. Msg. No. 313, dated April 12, 2001, transmitting the 2000 Hawaii Coastal Zone Management Annual Report prepared by the Department of Business, Economic Development and Tourism, Office of Planning, pursuant to Section 205A-3, HRS.

Gov. Msg. No. 314, informing the Senate that on April 19, 2001, he signed the following bills into law:

House Bill No. 415 as Act 9, entitled: "RELATING TO HARBORS";

House Bill No. 688 as Act 10, entitled: "RELATING TO THE EFFECTIVE DATE OF EXISTING USES UNDER THE WATER CODE";

House Bill No. 1257 as Act 11, entitled: "RELATING TO LEI DAY";

House Bill No. 1473 as Act 12, entitled: "RELATING TO MOTOR VEHICLES";

Senate Bill No. 210 as Act 13, entitled: "RELATING TO PILOTS";

Senate Bill No. 937 as Act 14, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 1077 as Act 15, entitled: "RELATING TO TRADEMARKS"; and

Senate Bill No. 1078 as Act 16, entitled: "RELATING TO THE UNIFORM SECURITIES ACT."

Gov. Msg. No. 315, dated April 20, 2001, transmitting his statement of objections to House Bill No. 824 which he has returned to the House without his approval and which reads as follows:

"EXECUTIVE CHAMBERS  
HONOLULU

April 20, 2001

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 824

Honorable Members  
Twenty-First 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. 824, entitled 'A Bill for an Act Relating to Motorcycle Operator Education.'

The purpose of this bill is to amend section 286-108.4, Hawaii Revised Statutes, to provide that any motorcycle operator education program operated in Hawaii by any branch of the United States Armed Services shall be deemed approved and certified by the State Director of Transportation if the program (1) meets Motorcycle Safety Foundation standards and (2) is certified by the respective armed forces' installation commander.

This bill is objectionable because it is unnecessary and may result in undesirable inconsistencies with current efforts of the State Department of Transportation in this area. The department recently received recommendations of a blue ribbon panel of mainland experts on motorcycle operator education. To implement the panel's recommendations, the Director of Transportation is forming a task force to assist in drafting administrative rules to establish statewide requirements and a fair, equitable, and consistent procedure for certification of motorcycle operator education programs in Hawaii.

For the foregoing reasons, I am returning House Bill No. 824 without my approval.

Respectfully,

/s/ Benjamin J. Cayetano  
BENJAMIN J. CAYETANO  
Governor of Hawaii"

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 604 to 608) were read by the Clerk and were placed on file:

Hse. Com. No. 604, returning S.C.R. No. 8, S.D. 1, which was adopted by the House of Representatives on April 19, 2001.

Hse. Com. No. 605, informing the Senate that the Speaker on April 19, 2001, made the following changes to the conferees on the following bills:

H.B. No. 11, H.D. 2 (S.D. 2):

Discharged Representative Leong as a manager.  
Appointed Representative Bukoski as a manager.

H.B. No. 87, H.D. 2 (S.D. 2):

Discharged Representative Stonebraker as a manager.  
Appointed Representative Moses as a manager.

H.B. No. 94, H.D. 1 (S.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Ontai as a manager.

H.B. No. 118, H.D. 3 (S.D. 2):

Discharged Representative Marumoto as a manager.  
Appointed Representative Stonebraker as a manager.

H.B. No. 168, H.D. 1 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Gomes as a manager.

H.B. No. 212, H.D. 2 (S.D. 2):

Discharged Representative Davis as a manager.  
Appointed Representative Halford as a manager.

H.B. No. 236, H.D. 1 (S.D. 1):

Discharged Representative Thielen as a manager.  
Appointed Representative Gomes as a manager.

H.B. No. 321, H.D. 1 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Gomes as a manager.

H.B. No. 382, H.D. 1 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Thielen as a manager.

H.B. No. 462, H.D. 1 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Thielen as a manager.

H.B. No. 480, H.D. 1 (S.D. 2):

Discharged Representative Leong as a manager.  
Appointed Representative Bukoski as a manager.

H.B. No. 513, H.D. 1 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Thielen as a manager.

H.B. No. 538, H.D. 2 (S.D. 2):

Discharged Representative Auwae as a manager.  
Appointed Representative Bukoski as a manager.

H.B. No. 614, H.D. 2 (S.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Bukoski as a manager.

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

Discharged Representative Auwae as a manager.  
Appointed Representative Thielen as a manager.

H.B. No. 733, H.D. 2 (S.D. 2):

Discharged Representative Gomes as a manager.  
Appointed Representative Ontai as a manager.

H.B. No. 771, H.D. 1 (S.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Gomes as a manager.

H.B. No. 861, H.D. 2 (S.D. 2):

Discharged Representative Davis as a manager.  
Appointed Representative Halford as a manager.

H.B. No. 946 (S.D. 2):

Discharged Representative Leong as a manager.  
Appointed Representative Halford as a manager.

H.B. No. 962 (S.D. 1):

Discharged Representative Djou as a manager.  
Appointed Representative Moses as a manager.

H.B. No. 1004, H.D. 1 (S.D. 1):

Discharged Representative Auwae as a manager.  
Appointed Representative Thielen as a manager.

H.B. No. 1028, H.D. 1 (S.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Halford as a manager.

H.B. No. 1211, H.D. 1 (S.D. 1):

Discharged Representative Auwae as a manager.  
Appointed Representative Marumoto as a manager.

H.B. No. 1282, H.D. 2 (S.D. 2):

Discharged Representative Bukoski as a manager.  
Appointed Representative Jaffe as a manager.

H.B. No. 1287, H.D. 1 (S.D. 2):

Discharged Representative Gomes as a manager.  
Appointed Representative Halford as a manager.

H.B. No. 1309 (S.D. 2):

Discharged Representative Ontai as a manager.  
Appointed Representative Marumoto as a manager.

H.B. No. 1391, H.D. 1 (S.D. 2):

Discharged Representative Leong as a manager.  
Appointed Representative Bukoski as a manager.

H.B. No. 1400 (S.D. 1):

Discharged Representative Davis as a manager.  
Appointed Representative Moses as a manager.

H.B. No. 1405, H.D. 1 (S.D. 1):

Discharged Representative Auwae as a manager.  
Appointed Representative Marumoto as a manager.

H.B. No. 1556 (S.D. 1):

Discharged Representative Davis as a manager.  
Appointed Representative Halford as a manager.

S.B. No. 123, S.D. 1 (H.D. 2):

Discharged Representative McDermott as a manager.  
Appointed Representative Stonebraker as a manager.

S.B. No. 1096, S.D. 1 (H.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Djou as a manager.

S.B. No. 1262 (H.D. 1):

Discharged Representative Leong as a manager.  
Appointed Representative Jaffe as a manager.

Hse. Com. No. 606, informing the Senate that the Speaker on April 19, 2001, made the following changes to the conferees on the following bill:

H.B. No. 173, H.D. 2 (S.D. 2):

Discharged Representative Schatz as a manager.  
Appointed Representative Saiki as fourth co-chair.

Hse. Com. No. 607, informing the Senate that the Speaker on April 19, 2001, made the following changes to the conferees on the following bill:

H.B. No. 538, H.D. 2 (S.D. 2):

Discharged Representative Bukoski as a manager.  
Appointed Representative Auwae as a manager.

Hse. Com. No. 608, informing the Senate that the Speaker on April 20, 2001, made the following changes to the conferees on the following bills:

H.B. No. 382, H.D. 1 (S.D. 2):

Discharged Representative Hamakawa as chair and Representative B. Oshiro as a manager.  
Appointed Representative B. Oshiro as chair and Representative Hamakawa as a manager.

S.B. No. 1110, S.D. 2 (H.D. 3):

Discharged Representative Hamakawa as second co-chair.  
Appointed Representative B. Oshiro as second co-chair.

#### STANDING COMMITTEE REPORTS

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1677) recommending that the Senate advise and consent to the nomination of LINDA C. TSEU to the Civil Defense Advisory Council, in accordance with Gov. Msg. No. 224.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1677 and Gov. Msg. No. 224 was deferred until Monday, April 23, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1678) recommending that the Senate advise and consent to the nominations of STEPHEN E. SMITH and JANE N. YAMASHIROYA to the Commission on Transportation, in accordance with Gov. Msg. No. 240.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1678 and Gov. Msg. No. 240 was deferred until Monday, April 23, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1679) recommending that the Senate advise and consent to the nominations of WILLIAM W. DAVES, RAMONA GREMAN, THOMAS L. JOAQUIN and DELBERT M. NISHIMOTO to the Advisory Board on Veterans' Services, in accordance with Gov. Msg. No. 242.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1679 and Gov. Msg. No. 242 was deferred until Monday, April 23, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1680) recommending that the Senate advise and consent to the nominations of KELVIN DANG, LYNN N. FALLIN and JOHN T. KAIZUKA to the State Highway Safety Council, in accordance with Gov. Msg. No. 252.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1680 and Gov. Msg. No. 252 was deferred until Monday, April 23, 2001.

Senator Kawamoto, for the Committee on Transportation, Military Affairs, and Government Operations, presented a report (Stand. Com. Rep. No. 1681) recommending that the Senate advise and consent to the nomination of VIT U. PATEL, M.D., to the Medical Advisory Board, in accordance with Gov. Msg. No. 258.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1681 and Gov. Msg. No. 258 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1682) recommending that the Senate advise and consent to the nominations of ALISON M. DINGLEY, BART S. HUBER and THELMA C. NIP to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 228.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1682 and Gov. Msg. No. 228 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1683) recommending that the Senate advise and consent to the nominations of COLETTE BROWNE, DR.P.H., ANTONE KAHAWAIOLAA, JR., and ARTHUR W. MARTIN to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 229.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1683 and Gov. Msg. No. 229 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1684) recommending that the Senate advise and consent to the nominations of JAMES S. MAEDA, BEVERLY I. TAKABA and ROBERT CONRAD, M.D., to the Emergency Medical Services Advisory Committee, in accordance with Gov. Msg. No. 232.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1684 and Gov. Msg. No. 232 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1685) recommending that the Senate advise and consent to the nominations of RICHARD DE JOURNETT, M.D., STEVEN H. HOSAKA, W. PHILIP KAU, D.V.M., and HOLLY ENGEL WALTERS to the Radiologic Technology Board, in accordance with Gov. Msg. No. 235.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1685 and Gov. Msg. No. 235 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1686) recommending that the Senate advise and consent to the nominations of FAYE W. KURREN and MAILE MEYER to the State Commission on the Status of Women, in accordance with Gov. Msg. No. 246.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1686 and Gov. Msg. No. 246 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1687) recommending that the Senate advise and consent to the nominations of MICHAEL H. LYONS II and GEORGE F. MUKAI to the Board of Directors of the Hawai'i Health Systems Corporation, in accordance with Gov. Msg. No. 247.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1687 and Gov. Msg. No. 247 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1688) recommending that the Senate advise and consent to the nominations of JOHN J. ING, LIBBY P. OSHIYAMA, GENEVIEVE A.L. KINNEY, PH.D., JANE Y. PANG and BARRY SHITAMOTO, M.D., and JULIA ORRICK ABBEN to the Board of Health, in accordance with Gov. Msg. No. 251.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1688 and Gov. Msg. No. 251 was deferred until Monday, April 23, 2001.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1689) recommending that the Senate advise and consent to the nominations of ROBIN S. CHOY, JENNIFER DUTRO, VICKY M. FOLLOWELL, PAULA HEIM, PAULA T. MORELLI, PH.D., ALBERT H. PEREZ, LESLIE ROSS, PH.D., and NANCY WRIGHT SLAIN to the State Council on Mental Health, in accordance with Gov. Msg. No. 260.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1689 and Gov. Msg. No. 260 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1690) recommending that the Senate advise and consent to the nominations of P. ROY CATALANI, ISAAC FIESTA JR. and PETER YUKIMURA to the Land Use Commission, in accordance with Gov. Msg. No. 184.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1690 and Gov. Msg. No. 184 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1691) recommending that the Senate advise and consent to the nominations of JAMES S. KOMETANI and ALLAN LOS BANOS, JR., to the Hawai'i Community Development Authority, in accordance with Gov. Msg. No. 234.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1691 and Gov. Msg. No. 234 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1692) recommending that the Senate advise and consent to the nomination of ALLEN SOUZA to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, in accordance with Gov. Msg. No. 244.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1692 and Gov. Msg. No. 244 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1693) recommending that the Senate advise and consent to the nominations of PASCUAL DABIS, ANNA C. KAOHELALII, MICHAEL H. KIDO and SCOTT K. ROWLAND, PH.D., to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 264.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1693 and Gov. Msg. No. 264 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1694) recommending that the Senate advise and consent to the nominations of THOMAS DECOURCY, GEORGE W. MAIOHO, RICHARD WHEELER, ROBERT M. GRANGER, PH.D., and JOSEPH C. WAMPLER to the Molokai Irrigation System Water Users Advisory Board, in accordance with Gov. Msg. No. 261.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1694 and Gov. Msg. No. 261 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1695) recommending that the Senate advise and consent to the nomination of HAROLD HART to the Board of Certification of Operating Personnel in Water Treatment Plants, in accordance with Gov. Msg. No. 245.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1695 and Gov. Msg. No. 245 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No.

1696) recommending that the Senate advise and consent to the nominations of KELVIN K.F. CHING and DAVID D. HIGGINS to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 255.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1696 and Gov. Msg. No. 255 was deferred until Monday, April 23, 2001.

Senator Inouye, for the Committee on Water, Land, Energy, and Environment, presented a report (Stand. Com. Rep. No. 1697) recommending that the Senate advise and consent to the nominations of KATHRYN WHANG INOUE and TED K. YAMAMURA to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 256.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1697 and Gov. Msg. No. 256 was deferred until Monday, April 23, 2001.

At 11:55 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

#### ADVISE AND CONSENT

#### MATTER DEFERRED FROM THURSDAY, APRIL 12, 2001

Stand. Com. Rep. No. 1575 (Gov. Msg. No. 114):

By unanimous consent, action on Stand. Com. Rep. No. 1575 and Gov. Msg. No. 114 was deferred until Wednesday, April 25, 2001.

#### ADVISE AND CONSENT

Stand. Com. Rep. No. 1671 (Gov. Msg. No. 153):

Senator Kanno moved that Stand. Com. Rep. No. 1671 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of RONALD T. HAJIME as Compact Administrator, State Council for Interstate Adult Offender Supervision, for a term of four years, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1672 (Gov. Msg. No. 179):

Senator Kanno moved that Stand. Com. Rep. No. 1672 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Civil Rights Commission of the following:

FAYE KENNEDY, term to expire June 30, 2003; and

HARRY YEE, term to expire June 30, 2005,

seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1673 (Gov. Msg. No. 180):

Senator Kanno moved that Stand. Com. Rep. No. 1673 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of LES S. IHARA to the Crime Victim Compensation Commission, term to expire June 30, 2005, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1674 (Gov. Msg. No. 236):

Senator Kanno moved that Stand. Com. Rep. No. 1674 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations to the Board of Registration, Island of Hawai'i, of the following:

FRANCIS L. BENEVIDES SR., term to expire June 30, 2004; and

NEWTON INOUE, term to expire June 30, 2005,

seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1675 (Gov. Msg. No. 241):

Senator Kanno moved that Stand. Com. Rep. No. 1675 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of LANI LIU EWART to the Commission to Promote Uniform Legislation, term to expire June 30, 2005, seconded by Senator Matsuura.

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

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

Stand. Com. Rep. No. 1676 (Gov. Msg. No. 216):

Senator Kanno moved that Stand. Com. Rep. No. 1676 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate advise and consent to the nomination of STEVEN S. ALM to the office of Judge, 2nd Division, Circuit Court of the First Circuit, in accordance with the provisions of Article VI, Section 3, of the

Hawaii State Constitution, for a term of ten years, seconded by Senator Matsuura.

Senator Kanno rose in support of the nominee and said:

“Mr. President, I rise in support of the nominee

“Mr. President, your Judiciary Committee received overwhelming testimony in support of the nominee, including support from a number of the chiefs of police and prosecutors from across the state, as well as the public defender and the dean of the William S. Richardson School of Law. The Hawaii State Bar Association subjected the nominee to rigorous review and evaluation before rating the nominee as ‘highly qualified’ for the position. That rating is the highest endorsement given by the HSBA for judicial appointment recommendations.

“The nominee received a Bachelor of Arts degree from the University of Hawaii, a Masters of Education degree from the University of Oregon, and a law degree from the McGeorge School of Law. He has been licensed to practice law in Hawaii since 1985. He has been an adjunct professor of law at the Richardson School of Law and a Deputy Prosecuting Attorney for the City and County of Honolulu. He is presently the United States Attorney for the District of Hawaii.

“Your Committee was impressed with the nominee’s involvement in the community, including his critical role with the Weed and Seed Program and the National Guard’s Youth Challenge Program.

“Mr. President, I urge my colleagues to support the nominee. Thank you.”

Senator Hanabusa rose to support the nomination as follows:

“Mr. President, I rise to speak in favor of this nomination.

“Mr. President, before I even contemplated running for office, being a politician, there was one politician that I would always stop to listen to – that was Mario Cuomo. I felt that he was probably one of the greatest orators of our time. After he left his governorship of New York, he wrote a book called The New York Idea: An Experiment in Democracy. This book was published in 1994 and it left an impression because Mario Cuomo was probably known for building the most prisons of any other governor. After he left his office, he contemplated and felt that may not have been the right thing to do.

“There’s a portion of that book that reminds me of Mr. Alm. It talks about, and this is quoting it, ‘The vast gap between federal and state responsibilities in the drug war has created a huge law enforcement problem at the state and local level. Where are you going to put all these people you’ve arrested? How do you cope with overcrowding? What is the best way to deal with them so that they won’t be re-arrested again for a similar drug crime? Until the federal government becomes a more active partner, New York, like other states, must cope on its own. A crucial strategy is to keep the infection of drugs from spreading into new territory.’

“What we have in Mr. Alm is someone who has filled this gap. I don’t believe we’ve had a U.S. Attorney who has taken such an active role or has invested in our community. The proof of that is the Weed and Seed Program.

“Mario Cuomo goes on in his book to say that there is yet another step, and that step is that once they become or they’re potentially incarcerated, how do we handle them? How do we stop this vicious cycle of drug addiction? How do we keep those who may be addicted, but not violent, from becoming

violent? We are fortunate because Mr. Alm, if he is confirmed by this body today, will go to the court. I believe that unlike many of his colleagues, Mr. Alm will not simply wear that black robe and, for those of us who may appear before him, sit high on the dais and look down upon us, but actually participate and be a voice in taking it to the next step. He will be able to address the concerns that Mario Cuomo raised to stop this vicious cycle.

“I think that we are very fortunate, and sometimes I wonder whether we should wonder why someone like Steve Alm would give up the opportunity to make the big bucks in private practice and do public service. But that’s to our benefit. And to have someone who has shown the independence and the ability to think of the community, to think about Weed and Seed, and now to serve in the next phase – the Judiciary – we are a very fortunate state.

“For that reason, I ask that my colleagues support this nomination. Thank you, Mr. President.”

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

“Mr. President, I rise to speak in favor of this nominee.

“I’d be remiss not to acknowledge the fact that he chose God’s country to come and help us with our programs and ideas. He really did make a difference and we really appreciate the effort that is still being done on his behalf in God’s country.”

“I urge all my colleagues to vote ‘aye.’ Thank you.”

Senator Hemmings rose to support the nominee and said:

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

“I did not read Mario Cuomo’s book, but in conversations with the nominee, I’m 100 percent convinced that he knows that sitting on the dais of a state court is that his job is going to be to administer the law in the fairest and most just manner possible. He demonstrated that as a prosecutor and in his public service years, and that’s the most we can ask out of a judge.

“I know that Steve Alm is going to be, above all, fair, nonpartisan, and impartial in making sure that justice is blind. And in doing it, I also know that he is not going to try to rewrite laws from the bench. He knows there is a separation of power and that responsibility is vested here on the Floors of these Chambers – the House and the Senate. Therefore, it is with great pleasure that I highly endorse his nomination to the First Circuit Court for a ten-year term.

“Thank you, Mr. President.”

Senator Slom rose to speak in favor of the nominee with reservations as follows:

“Mr. President, I rise to speak in favor of the nomination with reservations.

“I admire and respect Mr. Alm for many of the things that he has done. I think he has unquestioned integrity and a very strong work ethic. I think his community involvement is very diversified and very laudable. The Weed and Seed Program has been an excellent example and an excellent model for all of us, and I think Mr. Alm has represented the drug dealer’s worst nightmare in Hawaii. Those are all positive things.

"I did ask the nominee a number of questions in the Judiciary hearing the other day. I think the only problems and the only lingering doubts that I have, have to do with areas of corruption – white collar and government corruption in Hawaii – and a number of incidences that have been brought up where people in this state had gone to the state courts, the state judiciary, and felt that because it was so cozy, since many of the state judiciary people came from this very chamber or from another chamber across the hall, that they could not get an adequate hearing. So they sought relief from the federal government and from the U.S. Attorney's Office, and specifically in the area of government corruption, in the area of government self-dealing by public officials in this state, and in the area of voter irregularities and voter fraud. It didn't seem that anything was actually done and none of the cases were actually moved forward, even though there was an effort to jointly work together between the U.S. Attorney's Office and the Federal Bureau of Investigation.

"So, for these reasons, I do have lingering reservations. They are not severe or strong, as some of my colleagues have had on other bills. And, as I say, generally speaking, I think that Mr. Alm has done an excellent job and that he will make an excellent judge. So I give my support on those grounds.

"Thank you, Mr. President."

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

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

At this time, Senator Kanno introduced Judge Alm to the members of the Senate. (Judge Alm, who was seated in the gallery, rose to be recognized.)

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:09 o'clock p.m.

#### FINAL READING

S.B. No. 1104, S.D. 1, H.D. 1:

On motion by Senator Matsuura, seconded by Senator Kanno and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1104, S.D. 1, and S.B. No. 1104, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AUTHORITY OF FOSTER PARENTS TO PROVIDE CONSENTS FOR THE FOSTER CHILD'S EDUCATIONAL AND RECREATIONAL NEEDS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

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

#### RE-REFERRAL OF GOVERNOR'S MESSAGE

The Chair re-referred the following governor's message that was received:

Governor's  
Message                      Referred to:

No. 295                      Jointly to the Committee on Economic Development and Technology and the Committee on Tourism and Intergovernmental Affairs

Senator Ihara rose on a point of personal privilege as follows:

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

"Mr. President, there was a piece today in this morning's Advertiser by five of our newest Senators on budget worksheets. First of all, I'd like to acknowledge and thank the Senate leadership and the WAM Chair for finally publishing the worksheets on the Internet. I wanted to say that I agree with your sentiment that the worksheets should have been made public in 1999 when . . . I'm not sure if they sought that back then, but . . . and while I was Majority Leader, we should have done it back then and we didn't. I'm glad that the leadership has done it finally. I applaud the five Senators for their efforts back in 1999 for opening up the legislative process.

"Finally, I want to encourage these Senators and leadership to continue their good work in pro-democracy efforts to reform the legislative process – for example, in putting the public hearing testimony on the Internet as well as webcasting all of our legislative proceedings from our capitol conference rooms on the Internet, which is a very easy matter to do. Maybe in the future that can be done.

"Thank you again for the leadership and WAM Chair."

Senator Kim, Chair of the Committee on Tourism and Intergovernmental Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.C.R. No. 50, and the Chair granted the waiver.

Senator Chun Oakland rose on a point of personal privilege and said:

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

"I also wanted to acknowledge and celebrate the openness of the budget worksheets. I believe, along with Senator Ihara and many of the Senators who also were House members, we've been very strong advocates of this. I just wanted to acknowledge my colleague from Kaimuki who has been advocating for this for many years.

"Thank you."

#### RECONSIDERATION OF ACTIONS TAKEN

S.B. No. 1341, S.D. 1 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 1341, S.D. 1, seconded by Senator Fukunaga 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. 1341, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 4 (Kawamoto, Fukunaga, Kanno, Inouye). Noes, none. Excused, 1 (Hemmings).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 1341, S.D. 1, seconded by Senator Fukunaga.

Senator Kawamoto explained:

"Mr. President, the House deleted a proposal requiring state ID applicants to comply with this bill because the Attorney

General's Office needed more time to work out the difficulties that this proposal presented."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1341, S.D. 1, and S.B. No. 1341, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SELECTIVE SERVICE SYSTEM," was placed on the calendar for Final Reading on Monday, April 23, 2001.

S.B. No. 212, S.D. 1 (H.D. 1):

Senator Kawamoto moved that the Senate reconsider its action taken on April 12, 2001, in disagreeing to the amendments proposed by the House to S.B. No. 212, S.D. 1, seconded by Senator Fukunaga 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. 212, S.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kawamoto, Kanno, Fukunaga). Noes, none. Excused, 2 (Buen, Hemmings).

Senator Kawamoto moved that the Senate agree to the amendments proposed by the House to S.B. No. 212, S.D. 1, seconded by Senator Fukunaga.

Senator Kawamoto then noted:

"Mr. President, the House made technical and non-substantive amendments."

The motion was put by the Chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 212, S.D. 1, and S.B. No. 212, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY INSTRUCTION PERMIT," was placed on the calendar for Final Reading on Monday, April 23, 2001.

#### ADJOURNMENT

At 12:18 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., Monday, April 23, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate