

THIRTY-SIXTH DAY

Wednesday, March 19, 2003

The Senate of the Twenty-Second Legislature of the State of Hawaii, Regular Session of 2003, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Elwin Ahu, New Hope Christian Fellowship, after which the Roll was called showing all Senators present with the exception of Senator Ihara who was excused.

The President announced that he had read and approved the Journal of the Thirty-Fifth Day.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 240 to 242) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 240, submitting for consideration and confirmation as Chairperson of the Public Utilities Commission, the nomination of CARLITO P. CALIBOSO, term to expire June 30, 2004, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 241, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of GILBERT COLOMA-AGARAN, term to expire June 30, 2003, was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

Gov. Msg. No. 242, submitting for consideration and confirmation to the Kaho'olawe Island Reserve Commission, the nomination of BERT H. SAKATA, term to expire June 30, 2007, was referred jointly to the Committee on Water, Land, and Agriculture and the Committee on Transportation, Military Affairs, and Government Operations.

HOUSE COMMUNICATION

Hse. Com. No. 296, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 564 (S.D. 1), was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

At 11:46 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:47 o'clock a.m.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1034) recommending that H.B. No. 320, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 320, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RISK MANAGEMENT," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1035) recommending

that H.B. No. 418, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 418, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1036) recommending that H.B. No. 488 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 488, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MID-PACIFIC INSTITUTE," passed Second Reading and was referred to the Committee on Ways and Means with Senators Baker, English and Tsutsui voting "No."

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1037) recommending that H.B. No. 1564 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR CHAMINADE UNIVERSITY," passed Second Reading and was referred to the Committee on Ways and Means with Senators Baker, English and Tsutsui voting "No."

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1038) recommending that H.B. No. 485 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 485, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HANAHAU'OLI SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means with Senators Baker, English and Tsutsui voting "No."

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1039) recommending that H.B. No. 712 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 712, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT SPECIAL FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1040) recommending that H.B. No. 939 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 939, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR HOALA SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means with Senators Baker, English and Tsutsui voting "No."

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1041) recommending that H.B. No. 1362 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1362, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR ST. PATRICK SCHOOL," passed Second Reading and was referred to the Committee on Ways and Means with Senators Baker, English and Tsutsui voting "No."

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1042) recommending that H.B. No. 1506, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1506, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ISPED CLERK TYPISTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1043) recommending that H.B. No. 1548, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1548, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOL IMPROVEMENTS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1044) recommending that H.B. No. 377, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 377, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1045) recommending that H.B. No. 378, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 378, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT

CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1046) recommending that H.B. No. 379, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 379, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1047) recommending that H.B. No. 380, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 380, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1048) recommending that H.B. No. 381, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 381, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1049) recommending that H.B. No. 382, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 382, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1050) recommending that H.B. No. 383, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 383, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE

FACILITIES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1051) recommending that H.B. No. 384, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 384, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1052) recommending that H.B. No. 645 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 645, entitled: “A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR ASSISTING NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1053) recommending that H.B. No. 1181, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1181, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1054) recommending that H.B. No. 295, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 295, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the majority of the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1055) recommending that H.B. No. 1029, H.D. 1, pass Second Reading and be referred jointly to the Committee on Transportation, Military Affairs, and Government Operations and the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the majority of the Committee was adopted and H.B. No. 1029, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PERMIT APPROVALS,” passed Second Reading and was referred jointly to the Committee on Transportation, Military Affairs, and

Government Operations and the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1056) recommending that H.B. No. 1155, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1155, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1057) recommending that H.B. No. 1303 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1303, entitled: “A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS,” passed Second Reading and was referred to the Committee on Ways and Means.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1058) recommending that H.B. No. 814 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 814, entitled: “A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS,” passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1059) recommending that H.B. No. 815 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 815, entitled: “A BILL FOR AN ACT RELATING TO THE COURTS,” passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1060) recommending that H.B. No. 1004, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1004, H.D. 1, entitled: “A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS,” passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1061) recommending that H.B. No. 1022 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted

and H.B. No. 1022, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENT," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senator Hanabusa, for the Committee on Judiciary and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1062) recommending that H.B. No. 1220 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1220, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was placed on the calendar for Third Reading on Friday, March 21, 2003.

Senator Inouye, for the Committee on Water, Land, and Agriculture, presented a report (Stand. Com. Rep. No. 1063) recommending that H.B. No. 1509, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Kawamoto, seconded by Senator Hogue and carried, the report of the Committee was adopted and H.B. No. 1509, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

HOUSE COMMUNICATIONS

MATTERS DEFERRED FROM TUESDAY, MARCH 18, 2003

H.C.R. No. 20 (Hse. Com. No. 290):

By unanimous consent, action on H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION AFFIRMING THE LEGISLATURE'S COMMITMENT TO HUMAN RIGHTS, CIVIL LIBERTIES, AND ALL PROTECTIONS GUARANTEED BY THE CONSTITUTIONS OF THE UNITED STATES AND THE STATE OF HAWAII, AND OTHER INTERNATIONAL CHARTERS AND COVENANTS," was deferred until Thursday, March 20, 2003.

H.C.R. No. 22, H.D. 1 (Hse. Com. No. 291):

By unanimous consent, action on H.C.R. No. 22, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO CONSIDER PROPOSALS THAT ARE CONSISTENT WITH THE UNITED STATES' NATIONAL INTERESTS AND ARE RESPONSIVE TO HOMELAND SECURITY CONCERNS TO RELAX THE RESTRICTIONS ON THE GRANTING OF NONIMMIGRANT VISAS TO NATIONALS OF THE PEOPLE'S REPUBLIC OF CHINA FOR THE PURPOSE OF BUSINESS, TOURISM, AND STUDY IN THE UNITED STATES," was deferred until Thursday, March 20, 2003.

H.C.R. No. 28 (Hse. Com. No. 292):

By unanimous consent, action on H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO FULLY FUND THE MILLENNIUM CHALLENGE ACCOUNT AND INVOLVE WOMEN AS FULL AND ACTIVE PARTICIPANTS IN ECONOMIC

DEVELOPMENT ASSISTANCE PROGRAMS IN THEIR NATIONS," was deferred until Thursday, March 20, 2003.

H.C.R. No. 35 (Hse. Com. No. 293):

By unanimous consent, action on H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PACIFIC BASIN ECONOMIC COUNCIL AND ENCOURAGING IT TO MAINTAIN ITS HEADQUARTERS IN HAWAII," was deferred until Thursday, March 20, 2003.

H.C.R. No. 52, H.D. 1 (Hse. Com. No. 294):

By unanimous consent, action on H.C.R. No. 52, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A SISTER STATE-PREFECTURE RELATIONSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE EHIME PREFECTURE OF JAPAN," was deferred until Thursday, March 20, 2003.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1032 (Gov. Msg. No. 11):

Senator Chun Oakland moved that Stand. Com. Rep. No. 1032 be received and placed on file, seconded by Senator Inouye and carried.

Senator Chun Oakland then moved that the Senate advise and consent to the nomination of LILLIAN KOLLER as Director of the Department of Human Services, term to expire December 4, 2006, seconded by Senator Inouye.

Senator Chun Oakland rose to speak in favor of the nominee as follows:

"Mr. President, I rise to speak in favor of Gov. Msg. No. 11, the confirmation of Lillian Koller as Director of the Department of Human Services.

"DHS is one of the largest state departments and serves a critical purpose focusing on taking care of our families, our children, our elders, and others in our community when they need help. With the state's challenging economic climate and on the brink of war, it is especially important that the safety net of programs be maintained and even expanded despite the state budgets being tighter than ever before. In these challenging times, we need a strong leader with proven administrative skills, someone who is open to new ideas and new approaches in order to maintain our safety net of programs for our people. Lillian Koller is such a person.

"The testifiers who filled our conference room and those that could not attend overwhelmingly expressed their support for Lillian as well. She graduated with highest honors from UCLA with a philosophy major and a psychology minor and was an editor of the Law Review at Martin Luther King, Jr., School of Law at UC Davis. She has worked as an attorney in private practice in both California and in Hawaii. She has served as deputy prosecuting attorney and as deputy corporation counsel for Maui County and was named the County of Maui's Managerial Employee of the Year in 1994.

"Mayor Alan Arakawa and fellow colleagues all praise Lillian's honesty, responsibility and professionalism, and her compassion, commitment and dedication to public service. In 1999, she was selected to head the newly established Maui Drug Court program, and in just three years she developed the Maui Drug Court into a nationally award-winning program that is a community standard and a model for other states. The

Maui police chief praised Lillian's ability to 'coordinate a collaborative effort by many county, state and private agencies, some of which did not historically work well together' to provide drug treatment and rehabilitation for nonviolent drug users.

"Lillian created a nonprofit organization called the Friends of the Maui Drug Court that raises funds to support the program. With what one provider called 'her unrelenting drive,' Lillian personally went out into the community and asked for their support initiating fund-raisers, grant awards and donations from the community. Lillian's personal commitment and drive helped the Maui Drug Court and even expand, despite government budget cuts.

"Perhaps most importantly, Lillian never forgot that the Maui Drug Court was about the clients. She took personal interest in the success of each client. She made them a part of her life by celebrating the drug-free babies that were born, taking a personal interest in each client's health and well being, and fighting for as many ways and opportunities as possible to make the Drug Court a place where people could regain their life, dignity and family and become a responsible and productive member of the community.

"In the few weeks that she's been on the job, Lillian Koller has already impressed many with her energy, her quick intelligence, and her willingness to work with all involved parties to craft a workable, reasonable solution.

"Within the first week as director, Lillian was faced with the crisis involving problems with the new Medicaid payment and billing system which caused significant delays in payments to service providers. Lillian 'immediately went to work' to resolve these problems and in a very short period of time was able to handle the acute situation to the satisfaction of most of the service providers. She has scheduled regular working meetings with the director of health to address mutual concerns and is working on a more permanent solution to the Medicaid payment problems.

"Perhaps the highest praise for Lillian Koller came from a service provider from Kauai who asked, 'What do I know about this woman? Not much. I've never even met her.' But this provider was so impressed with Lillian's handling of the Medicaid payment problem that she got on a plane and came to Honolulu to testify in support of her nomination. This provider said, 'I am so grateful that Lillian got it. She was willing to take immediate action, to think creatively to meet our needs as contractors and to balance it with the legal obligations of our state agency to come up with a response. I am also impressed that she did not just simply accept a proposal to fix the system within four to six months but continued to push for a better solution.'

"Finally, Lillian brings a deep personal commitment to public service. She has been cared for by her parents who were the sole survivors of their families killed in the Auschwitz concentration camp. As a mother, Lillian can understand the issues facing Hawaii's families and is committed to their well being.

"In closing, Lillian has promised that she will not balance the budget on the backs of those least able to care for themselves. Instead, as she stated, 'we will, because we must, find new ways to provide the essential services to help those in need get back on their feet and stay there.' Compassionate leadership and the ability to get things done, that's what we need at DHS to ensure that there is a safety net for our families, children, elders and others who may need our help. That's what Lillian Koller brings to the state.

"Mr. President and colleagues, I urge your favorable vote to confirm the Governor's nominee for Director of the Department of Human Services, Lillian Koller."

Senator Baker also rose in support of the nominee and said:

"Mr. President, I, too, rise in support of this nomination.

"Mr. President, another capable, bright, intelligent woman is being elevated to one of our most difficult and complex departments and we on Maui are happy to share this intelligent, articulate, caring, resourceful and creative person, Lillian Koller, who I believe is well up to the challenge of the Department of Human Services. I am pleased to support this nomination and encourage all my colleagues to do so as well."

Senator English rose to speak in support of the nomination as follows:

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

"Mr. President, members of the Senate, Lillian Koller comes from Maui, as you know, and is part of the wonderful team that we've exported to the Capitol for service to the greater State of Hawai'i.

"I just want to comment on Lillian's 'can do' attitude and ability to think 'outside of the box,' and in her job – in this particular job – you're going to have to do that quite a bit. I want to lend my support and ask my colleagues to support her nomination because I know Lillian and I've worked with her when she was Corp Counsel in Maui. She worked with the council, when I was on the council, very closely and always provided us with very clear and concise advice, and sometimes that was hard to get. So, she was always there to do that for us and I think that her ability to think through complex problems and come up with innovative and creative ideas will serve the State of Hawai'i well.

"I also would like to comment that Lillian and I share the same ancestry. And so, with that, we can know that our people are well served.

"Members, I ask for your support of this nomination. Thank you."

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

"Mr. President, I rise to support the confirmation and speak in favor of the confirmation of Lillian Koller.

"Unlike some of my colleagues, I am occasionally at a loss for words. If I were to search for one word that came closest to conveying my feelings, the word would be awesome. Senator Chun Oakland has left me very little to say.

"I guess the brightest moment of sitting and serving on her Committee was when Lillian Koller walked into the room and started to give testimony. She is engaging and she certainly is engaged. She is very bright, but she's also very committed.

"One trait stands out above the rest, and that is the sense of compassion that she conveys when she testifies.

"I urge my colleagues to unanimously support her confirmation. Thank you."

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

Ayes, 23. Noes, none. Excused, 2 (Ihara, Taniguchi).

At this time, Senator Chun Oakland introduced Lillian Koller to the members of the Senate. (Ms. Koller, who was seated in the gallery, rose to be recognized.)

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:06 o'clock p.m.

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTION**

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

Senate
Concurrent
Resolution Referred to:

No. 90 Jointly to the Committee on Education,
the Committee on Economic Development and the Committee
on Labor

Senator Kawamoto, Chair of the Committee on Transportation, Military Affairs, and Government Operations, requested a waiver of the notice requirement pursuant to Senate Rule 21 for H.B. No. 91.

Senator Kawamoto noted:

“Mr. President, this bill exempts the sale of goods and services to the state from the general excise tax and makes changes to the central service assessment for special funds. The Ways and Means Committee would like to have this heard.”

The Chair then granted the waiver.

ADJOURNMENT

At 12:09 o'clock p.m., on motion by Senator Kawamoto, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 20, 2003.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate