

FORTY-SIXTH DAY

Wednesday, April 5, 2000

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, convened at 11:39 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Mark Hsi, Hope Chapel, Manoa, after which the Roll was called showing all Senators present with the exception of Senators Bunda, Matsunaga and Nakata who were excused.

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

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 268, informing the Senate that on April 3, 2000, he signed into law House Bill No. 2526 as Act 3, entitled: "RELATING TO USED OIL," was read by the Clerk and was placed on file.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 422 to 430) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 422, transmitting H.C.R. No. 32, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 32, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT OF THE STATE OF HAWAII," was referred jointly to the Committee on Economic Development and the Committee on Education and Technology.

Hse. Com. No. 423, transmitting H.C.R. No. 33, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 33, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE SELECTION OF AN OFFICIAL TROPICAL FRUIT JUICE OF THE STATE OF HAWAII," was referred jointly to the Committee on Economic Development and the Committee on Education and Technology.

Hse. Com. No. 424, transmitting H.C.R. No. 40, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 40, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SECRETARY OF VETERANS AFFAIRS AND CONGRESSIONAL LEADERS TO WORK TOWARD ALLOWING FILIPINO-AMERICAN VETERANS TO BE INTERRED IN NATIONAL OR STATE VETERANS CEMETERIES," was referred to the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 425, transmitting H.C.R. No. 44, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 44, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII NURSES' ASSOCIATION AND THE HEALTHCARE ASSOCIATION OF HAWAII TO BEGIN DISCUSSIONS TO IDENTIFY PROBLEMS AND PROVIDE SOLUTIONS FOR ACUTE-CARE ISSUES RELATING TO PATIENT SAFETY, NURSING CARE, AND THE

POTENTIAL NURSING SHORTAGE," was referred to the Committee on Health and Human Services, then to the Committee on Ways and Means.

Hse. Com. No. 426, transmitting H.C.R. No. 52, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 52, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO FACILITATE AND ASSIST EFFORTS TO STRENGTHEN AND EVALUATE EXISTING STUDENT LEADERSHIP PROGRAMS," was referred to the Committee on Education and Technology, then to the Committee on Ways and Means.

Hse. Com. No. 427, transmitting H.C.R. No. 54, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE COUNTIES OF THE STATE OF HAWAII TO ADOPT THE STANDARDS FOR RESIDENTIAL BUILDINGS IN THE MODEL ENERGY CODE TO APPLY TO ALL NEW RESIDENTIAL REAL PROPERTY," was referred jointly to the Committee on Economic Development and the Committee on Transportation and Intergovernmental Affairs, then to the Committee on Ways and Means.

Hse. Com. No. 428, transmitting H.C.R. No. 146, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 146, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A LEGAL REVIEW OF CONCERNS REGARDING AUTOMATIC PERMIT APPROVAL," was referred jointly to the Committee on Judiciary and the Committee on Government Operations and Housing, then to the Committee on Ways and Means.

Hse. Com. No. 429, transmitting H.C.R. No. 147, H.D. 1, which was adopted by the House of Representatives on April 4, 2000, was placed on file.

By unanimous consent, H.C.R. No. 147, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AND ENCOURAGING BICYCLING AND WALKING AS VIABLE CHOICES FOR TRANSPORTATION, RECREATION, AND HEALTH MAINTENANCE," was referred jointly to the Committee on Health and Human Services and the Committee on Transportation and Intergovernmental Affairs.

Hse. Com. No. 430, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 1869, H.D. 1, was placed on file.

STANDING COMMITTEE REPORTS

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3194) recommending that H.B. No. 303, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 303, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTIFICATION," passed Second Reading

and was placed on the calendar for Third Reading on Friday, April 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3195) recommending that H.B. No. 1955, H.D. 2, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 1955, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," passed Second Reading and was placed on the calendar for Third Reading on Friday, April 7, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3196) recommending that H.B. No. 2020 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2020, entitled: "A BILL FOR AN ACT RELATING TO OBSOLETE LAWS," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 6, 2000.

Senators Chumbley and Matsunaga, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 3197) recommending that H.B. No. 2021 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Chun, seconded by Senator Slom and carried, the report of the Committee was adopted and H.B. No. 2021, entitled: "A BILL FOR AN ACT RELATING TO ACT 316, SESSION LAWS OF HAWAII 1993, AS AMENDED BY ACT 157, SESSION LAWS OF HAWAII 1995; AND TO ACT 278, SESSION LAWS OF HAWAII 1999," passed Second Reading and was placed on the calendar for Third Reading on Thursday, April 6, 2000.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3187 (Gov. Msg. No. 153):

Senator Chumbley moved that Stand. Com. Rep. No. 3187 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of RICARDO MEDINA and TOM SUGITA to the Civil Service Commission, terms to expire June 30, 2004, seconded by Senator Chun Oakland.

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

Ayes, 19. Noes, none. Excused, 6 (Anderson, Bunda, D. Ige, M. Ige, Matsunaga, Nakata).

Stand. Com. Rep. No. 3188 (Gov. Msg. No. 162):

Senator Chumbley moved that Stand. Com. Rep. No. 3188 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Chumbley then moved that the Senate advise and consent to the nominations of GARY MCKEAGUE and CLAYTON E. WINGER to the Hoisting Machine Operators Advisory Board, terms to expire June 30, 2004, seconded by Senator Chun Oakland.

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

Ayes, 19. Noes, none. Excused, 6 (Anderson, Bunda, D. Ige, M. Ige, Matsunaga, Nakata).

Stand. Com. Rep. No. 3189 (Gov. Msg. No. 191):

Senator Kanno moved that Stand. Com. Rep. No. 3189 be received and placed on file, seconded by Senator Taniguchi and carried.

Senator Kanno then moved that the Senate advise and consent to the nominations of THEODORE E. GARDUQUE, LESTER H. INOUE, ARNALDO E. PREPOSE and OSCAR PORTUGAL to the State Board of Professional Engineers, Architects, Surveyors, and Landscape Architects, terms to expire June 30, 2004, seconded by Senator Taniguchi.

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

Ayes, 19. Noes, none. Excused, 6 (Anderson, Bunda, D. Ige, M. Ige, Matsunaga, Nakata).

Stand. Com. Rep. No. 3190 (Jud. Com. No. 4):

Senator Chumbley moved that Stand. Com. Rep. No. 3190 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Chumbley then moved that the Senate consent to the nomination of GERONIMO VALDRIZ as Judge of the District Court of the Second Circuit, for a term of six years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Chun Oakland.

Senator Chumbley rose in support of the nominee and said:

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

"Mr. President and members, Geronimo Valdriz holds a B.A. degree from the University of Hawaii at Manoa and a J.D. degree from the University of Hawaii's Richardson School of Law. Mr. Valdriz worked in the Office of the State Public Defender from 1982 to 1987 and has been in private practice since 1987. His professional and community activities include the Kids First Program, the Judiciary Guardian Ad Litem Program, the Maui Children's Advocacy Center, the Friends of the Children's Advocacy Center, and the Public Defender Council.

"During the Senate Judiciary Committee hearing, the Committee heard Mr. Valdriz's thoughts on the Guardian Ad Litem problems on Maui, his views on domestic violence, and how open juvenile records proceedings should be. The Committee also heard several members of the Office of the Public Defender, the legal community, private citizens and organizations come forward to voice their overwhelming support for his nomination.

"Testimony unanimously supported Mr. Valdriz by indicating that he is caring, intelligent, fair, and hard working. Further, testifiers acknowledged that he has good judgment, common sense and excellent judicial temperament, and will be an asset to the position of District Court Judge in the Second Circuit.

"Mr. President and colleagues, I urge all of you to support this nomination. Thank you."

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

"Mr. President, I, too, rise in support of Geronimo Valdriz, to the District Court.

"I have known Jerry for over ten years. He has practiced in the area of juvenile and adult criminal proceedings and was involved in several jury trials. Recently, his practice has been in the area of family law, representing children and families in child protective services proceedings. Jerry is a practical and hard working lawyer and does have common sense. He will be an excellent jurist.

"Jerry Valdriz is an honorable individual. He's known for his truthfulness and loyalty and is of outstanding moral character and honor. There is no question. I ask the Senators to please confirm him to the District Court.

"Thank you, Mr. President."

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

Ayes, 21. Noes, none. Excused, 4 (Bunda, D. Ige, Matsunaga, Nakata).

At this time, Senator Chumbley introduced newly confirmed Judge Geronimo Valdriz and his family to the members of the Senate. (Judge Valdriz and his family, who were seated in the gallery, then rose to be recognized.)

Stand. Com. Rep. No. 3191 (Gov. Msg. No. 222):

Senator Chumbley moved that Stand. Com. Rep. No. 3191 be received and placed on file, seconded by Senator Chun Oakland and carried.

Senator Chumbley then moved that the Senate consent to the nomination of KAREN S.S. AHN as Judge of the 11th Division, 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 Chun Oakland.

Senator Chumbley rose to speak in support of the nomination and said:

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

"Karen Ahn holds her B.S. degree from Boston University and her J.D. degree from the University of Hawaii's Richardson School of Law. Ms. Ahn served in the Department of the Prosecuting Attorney for the City and County of Honolulu from 1984 to 1989 and was in private practice from 1989 to 1994. She also served as a Special Deputy Attorney General from 1993 to 1994. Currently, Ms. Ahn has served as a District Court Judge in the First Circuit since 1994 for the past six years. In addition to her professional career, Ms. Ahn has made time for several professional and community organizations including the Land Use Commission, the American Bar Association, the Hawaii Korean Chamber of Commerce, the League of Women Voters, and the Metropolitan Rotary Club.

"During the Senate Judiciary Committee hearings the Committee heard her thoughts on substance abuse, domestic violence, civil liability, and gender balance within the Judiciary. She believes we should have more women on the bench.

"The Committee also heard from the federal and state offices of the Public Defender, a District Court Judge of the First Circuit, and several members of the legal community and private organizations, all voicing their support for Ms. Ahn. To quote some of the testimony: 'Ms. Ahn is professional, intelligent and analytical in seeking a fair and just outcome. Further, Ms. Ahn is courteous, compassionate, even-tempered while being firm, and eminently qualified to serve as a Circuit Court Judge in the First Circuit.'

"I am confident that Ms. Ahn will be an asset to the Judiciary and I urge all my colleagues to support and consent to this nomination. Thank you."

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

Ayes, 22. Noes, none. Excused, 3 (Bunda, Matsunaga, Nakata).

At this time, Senator Chumbley introduced to the members of the Senate, Judge Karen Ahn and the members of her family who were seated with her in the gallery. (Judge Ahn and her family then rose to be recognized.)

THIRD READING

H.B. No. 1934, H.D. 2, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 1934, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OPTOMETRY," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Matsunaga, Nakata).

H.B. No. 2485, H.D. 1, S.D. 1:

On motion by Senator Kanno, seconded by Senator Taniguchi and carried, H.B. No. 2485, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS FOR PSYCHOLOGIST LICENSURE," having been read throughout, passed Third Reading on the following showing of Ayes and Noes:

Ayes, 22. Noes, none. Excused, 3 (Bunda, Matsunaga, Nakata).

Senator Levin, for the Committee on Ways and Means, requested a waiver pursuant to Senate Rule 20 for the following House bills:

H.B. No. 1632;
H.B. No. 2024;
H.B. No. 2151;
H.B. No. 2171;
H.B. No. 2194;
H.B. No. 2434;
H.B. No. 2760; and
H.B. No. 2835,

and the Chair granted the waiver.

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

The Senate reconvened at 12:01 o'clock p.m.

ADJOURNMENT

At 12:04 o'clock p.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 6, 2000.