

THIRTY-SECOND DAY

Wednesday, March 14, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 11:42 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Chaplain Seaward B. Grant, C.S. Member, First Church of Christ Scientist, after which the Roll was called showing all Senators present with the exception of Senators Chumbley and Sakamoto who were excused.

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

Senator Ihara congratulated the Sheraton Moana Surfrider Hotel on its 100th anniversary and commended the Kyo-ya Co. Ltd. for its commitment to the preservation of the hotel and introduced Fred Orr, Managing Director of the Moana Surfrider and the Princess Kaiulani Hotels; and Simon Rusconi, Manager of the Moana Surfrider.

Senator Tam introduced the following individuals and commended them for their contributions to the State of Hawaii by fostering favorable relationships between Hawaii and Taiwan: Jack Hai-Lung Huang, President of the Longevity International Enterprises Corporation; and Grace C.N. Peng, General Manager of the Longevity International Enterprises Corporation.

At 11:53 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:03 o'clock p.m.

SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 77 to 100) were read by the Clerk and were deferred:

Senate Concurrent Resolution

No. 77 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT."

Offered by: Senators Chumbley, English, Bunda.

No. 78 "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF VOTING VIA THE INTERNET."

Offered by: Senators Chumbley, Chun, Oakland, Fukunaga, Matsunaga, Ige, Ihara.

No. 79 "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF WHETHER COMPETENCY IN CHELATION THERAPY SHOULD BE REQUIRED AS A CONDITION OF PHYSICIAN LICENSURE."

Offered by: Senator Matsuura.

No. 80 "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE UNITED STATES CONGRESS TO INCREASE FEDERAL ASSISTANCE TO ASSIST HAWAII IN COMPLYING WITH THE FELIX V.

CAYETANO CONSENT DECREE AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT."

Offered by: Senators Hogue, Hemmings, Kokubun, Kim, Taniguchi.

No. 81 "SENATE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII TO INVESTIGATE THE SECTION 8 HOUSING POLICY IN THE STATE AND COUNTIES."

Offered by: Senator Hogue.

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DECLARE WAIKIKI BEACH A SMOKE-FREE AREA."

Offered by: Senator Taniguchi.

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING STATE AGENCIES TO CONTACT NON-PROFIT, COMMUNITY AND RELIGIOUS ORGANIZATIONS FOR THE PURPOSES OF PROVIDING SERVICES TO YOUTHS."

Offered by: Senator Slom.

No. 84 "SENATE CONCURRENT RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT RENEWAL OF THE PRESIDENT'S FAST-TRACK NEGOTIATING AUTHORITY."

Offered by: Senators Slom, Hogue.

No. 85 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW."

Offered by: Senators Chumbley, Chun.

No. 86 "SENATE CONCURRENT RESOLUTION REQUESTING ESTABLISHMENT OF A TASK FORCE TO EVALUATE THE FEASIBILITY OF IMPLEMENTING PROTECTION OF 'OPEN LANDS' IN THE HAWAII STATE CONSTITUTION."

Offered by: Senators Chun, Matsuura, Buen, Kawamoto, Matsunaga, Hogue, English, Kokubun, Hanabusa, Nakata.

No. 87 "SENATE CONCURRENT RESOLUTION REQUESTING THE IDENTIFICATION OF APPROPRIATE SITES FOR TELECOMMUNICATION TOWERS AND ANTENNAE TO PROVIDE OPTIMUM COVERAGE."

Offered by: Senator Kokubun.

No. 88 "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE FEASIBILITY OF USING EXCESS PUBLIC UTILITIES SPECIAL FUND MONIES TO ESTABLISH A UTILITY LINES UNDERGROUNDING FUND."

Offered by: Senator Kokubun.

No. 89 "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT OF THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE OPERATIONS PLAN AND CLARIFICATION OF THE STATE'S ROLE AND RESPONSIBILITIES."

Offered by: Senator Kokubun.

No. 90 "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES."

Offered by: Senators Chun Oakland, Slom, Kanno, Ihara, Fukunaga, Menor, Tam, Inouye, Nakata, Ige, Hanabusa.

No. 91 "SENATE CONCURRENT RESOLUTION URGING HEALTH CARE PLANS AND PROVIDERS TO PROVIDE COVERAGE FOR AND UTILIZE HEARING SCREENING IN OLDER PATIENTS."

Offered by: Senators Chun Oakland, Matsuura, Kokubun, Kanno, Kawamoto, Buen, Fukunaga, Tam, Slom, English, Sakamoto, Ihara, Menor, Inouye.

No. 92 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH 'ATTENTION DEFICIT DISORDER' OR 'ATTENTION DEFICIT HYPERACTIVITY DISORDER' IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII'S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES."

Offered by: Senators Chun Oakland, Matsuura, Kokubun, Kanno, Buen, Slom, English, Sakamoto, Ihara, Fukunaga, Menor, Tam, Inouye, Nakata, Ige, Hanabusa.

No. 93 "SENATE CONCURRENT RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY."

Offered by: Senators Kawamoto, Fukunaga, Kanno, Tam, Buen, Hemmings.

No. 94 "SENATE CONCURRENT RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR."

Offered by: Senators Kawamoto, Fukunaga, Tam, Buen, Hemmings.

No. 95 "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO STIMULATE ECONOMIC DEVELOPMENT BY CONTRACTING WITH A NONPROFIT ORGANIZATION FOR THE PURPOSE OF ORGANIZING A MULTICULTURAL VILLAGE AT KAKAAKO."

Offered by: Senator Tam.

No. 96 "SENATE CONCURRENT RESOLUTION

APPROVING AND AUTHORIZING THE ESTABLISHMENT OF A SISTER STATE/CITY RELATIONSHIP FOR ECONOMIC DEVELOPMENT BETWEEN THE STATE OF HAWAII AND THE MUNICIPALITIES OF TAIPEI AND TAINAN."

Offered by: Senator Tam.

No. 97 "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR FORTY PERCENT OF THE COST OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES."

Offered by: Senator Sakamoto.

No. 98 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE TRANSPORTATION FOR STUDENTS INVOLVED IN AFTER SCHOOL EXTRACURRICULAR ACTIVITIES."

Offered by: Senator Sakamoto.

No. 99 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING A K-16 MODEL."

Offered by: Senator Sakamoto.

No. 100 "SENATE CONCURRENT RESOLUTION SUPPORTING PROJECT KA HALE PONO'S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER."

Offered by: Senators Chumbley, Chun.

SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 56 to 74) were read by the Clerk and were deferred:

Senate Resolution

No. 56 "SENATE RESOLUTION REQUESTING A STUDY ON ESTABLISHING AN ENVIRONMENTAL COURT."

Offered by: Senators Chumbley, English, Buen.

No. 57 "SENATE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE FEASIBILITY OF VOTING VIA THE INTERNET."

Offered by: Senators Chumbley, Chun Oakland, Fukunaga, Matsunaga, Ige, Ihara.

No. 58 "SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO URGE THE UNITED STATES CONGRESS TO INCREASE FEDERAL ASSISTANCE TO ASSIST HAWAII IN COMPLYING WITH THE FELIX V. CAYETANO CONSENT DECREE AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT."

Offered by: Senators Hogue, Hemmings, Kokubun, Kim.

No. 59 "SENATE RESOLUTION URGING THE

HAWAII CONGRESSIONAL DELEGATION OF THE UNITED STATES CONGRESS TO REQUEST MORE FEDERAL ASSISTANCE IN COMPLYING WITH THE FELIX CONSENT DECREE AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.”

Offered by: Senators Hogue, Hemmings, Kokubun, Kim.

No. 60 “SENATE RESOLUTION REQUESTING AN AUDIT OF THE EFFECTIVENESS OF THE PROCUREMENT LAW IN CONNECTION WITH PUBLIC SCHOOLS.”

Offered by: Senators Hogue, Hemmings, Kokubun, Kim.

No. 61 “SENATE RESOLUTION REQUESTING THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO DECLARE WAIKIKI BEACH A SMOKE-FREE AREA.”

Offered by: Senator Taniguchi.

No. 62 “SENATE RESOLUTION URGING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO SUPPORT RENEWAL OF THE PRESIDENT’S FAST-TRACK NEGOTIATING AUTHORITY.”

Offered by: Senators Slom, Hogue.

No. 63 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO GATHER PUBLIC INPUT AND RECOMMEND STATUTORY CAVE LAW.”

Offered by: Senators Chumbley, Chun.

No. 64 “SENATE RESOLUTION REQUESTING THE GOVERNMENT AGENCIES TO INVITE FAITH-BASED ORGANIZATIONS TO PROVIDE SERVICES TO THE YOUTHS OF HAWAII.”

Offered by: Senators Chun, Buen, Kokubun, Hogue, Sakamoto.

No. 65 “SENATE RESOLUTION REQUESTING THE IDENTIFICATION OF APPROPRIATE SITES FOR TELECOMMUNICATION TOWERS AND ANTENNAE TO PROVIDE OPTIMUM COVERAGE.”

Offered by: Senator Kokubun.

No. 66 “SENATE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE FEASIBILITY OF USING EXCESS PUBLIC UTILITIES SPECIAL FUND MONEYS TO ESTABLISH A UTILITY LINES UNDERGROUNDING FUND.”

Offered by: Senator Kokubun.

No. 67 “SENATE RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT OF THE NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE OPERATIONS PLAN AND CLARIFICATION OF THE STATE’S ROLE AND RESPONSIBILITIES.”

Offered by: Senator Kokubun.

No. 68 “SENATE RESOLUTION ESTABLISHING A

TASK FORCE TO IMPROVE THE EFFICIENCY OF LAW ENFORCEMENT AND PUBLIC SAFETY AGENCIES.”

Offered by: Senators Chun, Oakland, Slom, Kanno, Hogue, Ihara, Fukunaga, Menor, Tam, Inouye, Nakata, Ige, Hanabusa.

No. 69 “SENATE RESOLUTION URGING HEALTH CARE PLANS AND PROVIDERS TO PROVIDE COVERAGE FOR AND UTILIZE HEARING SCREENING IN OLDER PATIENTS”

Offered by: Senators Chun, Oakland, Matsuura, Kokubun, Kanno, Kawamoto, Buen, Sakamoto, Fukunaga, Slom, English, Inouye, Hogue, Ihara, Menor, Tam.

No. 70 “SENATE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF EDUCATION TO JOINTLY DETERMINE WHETHER THE DIAGNOSIS OF CHILDREN WITH ‘ATTENTION DEFICIT DISORDER’ OR ‘ATTENTION DEFICIT HYPERACTIVITY DISORDER’ IN HAWAII HAS BEEN EXCESSIVE, WHETHER HAWAII’S CHILDREN ARE BEING SUBJECTED TO EXCESSIVE USE OF PSYCHIATRIC DRUGS TO MODIFY THEIR BEHAVIOR, AND TO RESEARCH, EXAMINE, AND RECOMMEND NON-DRUG ALTERNATIVES.”

Offered by: Senators Chun, Oakland, Matsuura, Kokubun, Kanno, Buen, Slom, English, Sakamoto, Ihara, Fukunaga, Menor, Tam, Inouye, Nakata, Ige, Hanabusa.

No. 71 “SENATE RESOLUTION SUPPORTING ACCELERATION OF THE DEVELOPMENT OF THE KAPALAMA CONTAINER TERMINAL FACILITY.”

Offered by: Senators Kawamoto, Fukunaga, Kanno, Tam, Buen, Hemmings.

No. 72 “SENATE RESOLUTION SUPPORTING INCREASING THE DEPTH OF BARBERS POINT HARBOR.”

Offered by: Senators Kawamoto, Fukunaga, Tam, Buen, Hemmings.

No. 73 “SENATE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE FUNDS FOR FORTY PERCENT OF THE COST OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN WITH DISABILITIES.”

Offered by: Senator Sakamoto.

No. 74 “SENATE RESOLUTION SUPPORTING PROJECT KA HALE PONO’S PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS FOR A PARCEL OF LAND TO BUILD A YOUTH CENTER.”

Offered by: Senators Chumbley, Chun.

STANDING COMMITTEE REPORTS

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1028) recommending that H.B. No. 429 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 429, entitled: “A BILL FOR AN ACT

MAKING AN APPROPRIATION FOR BLINDNESS SKILL TRAINING," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1029) recommending that H.B. No. 629, H.D. 1, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 629, H.D. 1, S.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," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1030) recommending that H.B. No. 634 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 634, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ASSISTANCE RECOVERY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1031) recommending that H.B. No. 647, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 647, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DISABILITY AND COMMUNICATION ACCESS BOARD," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Health and Human Services, presented a report (Stand. Com. Rep. No. 1032) recommending that H.B. No. 411, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 411, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1033) recommending that H.B. No. 564, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 564, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1034) recommending that H.B.

No. 572, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 572, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1035) recommending that H.B. No. 576, 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 English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 576, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 1036) recommending that H.B. No. 676, H.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and H.B. No. 676, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL AND CAREER INFORMATION," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Nakata, for the majority of the Committee on Labor, presented a report (Stand. Com. Rep. No. 1037) recommending that H.B. No. 1586, 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 English, seconded by Senator Hemmings and carried, the report of the majority of the Committee was adopted and H.B. No. 1586, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT," passed Second Reading and was referred to the Committee on Ways and Means.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1024 (Gov. Msg. No. 159):

Senator Matsuura moved that Stand. Com. Rep. No. 1024 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nomination of BOBBIE ONZUKA-ANDERSON to the Policy Advisory Board for Elder Affairs, term to expire June 30, 2004, seconded by Senator Buen.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Sakamoto).

Stand. Com. Rep. No. 1025 (Gov. Msg. No. 166):

Senator Matsuura moved that Stand. Com. Rep. No. 1025 be received and placed on file, seconded by Senator Buen and carried.

Senator Matsuura then moved that the Senate advise and consent to the nominations to the Board of Health of the following:

ROBYN S. KAUFMAN, terms to expire June 30, 2001, and June 30, 2005; and

JOHN MARSH, term to expire June 30, 2004,

seconded by Senator Buen.

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Sakamoto).

Stand. Com. Rep. No. 1026 (Jud. Com. No. 1):

Senator Kanno moved that Stand. Com. Rep. No. 1026 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate consent to the nomination of REINETTE W. COOPER 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 Matsuura.

Senator Kanno rose in support of the nominee and said:

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

“Mr. President, your Committee on Judiciary held a hearing on March 12, 2001, to consider the nomination of Reinette W. Cooper to the District Court of the Second Circuit.

“Your Committee received testimony unanimously supporting Ms. Cooper from the Lieutenant Governor, Public Defender, Maui Prosecuting Attorney, Hawaii State Bar Association, and 23 private individuals.

“Ms. Cooper’s credentials are impressive. She received her law degree from the Southwestern University School of Law, a BA from the Loyola Marymount University, and an AA from Leeward Community College.

“Ms. Cooper’s legal experience is comprehensive and diverse. She is an experienced trial attorney with a thriving solo practice that includes family law litigation, including divorce, custody, child abuse, adoption, guardianships, family reunification, and child protective services, as well as criminal defense of felony and misdemeanor cases. Moreover, in addition to currently being a per diem Family Court Judge in the Second Circuit, Ms. Cooper has been a Deputy Prosecutor, Deputy Public Defender, and grand jury counsel. Additionally, Ms. Cooper has been a guest lecturer at the University of Hawaii’s Richardson School of Law, and Leeward Community College.

“It is with great pleasure that your Committee finds Ms. Cooper to be qualified and extremely well suited for the position with the District Court of the Second Circuit and wholeheartedly recommends that the Senate consents to the nomination.

“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 (Chumbley, Sakamoto).

Stand. Com. Rep. No. 1027 (Jud. Com. No. 2):

Senator Kanno moved that Stand. Com. Rep. No. 1027 be received and placed on file, seconded by Senator Matsuura and carried.

Senator Kanno then moved that the Senate consent to the nomination of TRUDY K. SENDA as Judge of the District Court of the Fifth 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 Matsuura.

Senator Kanno rose to speak in support of the nominee as follows:

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

“Mr. President, your Committee on Judiciary held a hearing on March 12, 2001, to consider the nomination of Trudy K. Senda to the District Court of the Fifth Circuit.

“This nominee received testimony from a wide cross section of the community. The Circuit and District Courts of the Fifth Circuit as well as the Lieutenant Governor are only a few of the many distinguished testifiers in support of the nominee.

“The nominee is a product of the state’s public educational system. She received her high school diploma from Kauai High and Intermediate School then went on to earn a BA and a JD from the University of Hawaii.

“The Hawaii State Bar Association reviewed, evaluated, and rated the nominee on her qualifications for a judicial appointment. The review examines numerous facets of a nominee’s profile including integrity, legal knowledge and ability, professional experience, judicial temperament, diligence, financial responsibility, public service, collegiality, and writing ability. Upon completion of the review process, the State Bar Association gave the nominee its highest endorsement.

“The nominee has been in private practice and has extensive experience in general litigation, including personal injury, workers’ compensation, criminal law, construction contracts, commercial disputes, foreclosure proceedings, family law, real estate development and financing, and land use law.

“The nominee has been an arbitrator for the Fifth Circuit Court and a Master Mediator for the Court Annexed Arbitration Program.

“Your Committee was impressed with the nominee’s statement in her written testimony that she will strive to dispense justice, fairness, objectivity, reason, respect, and due process within the bounds of the law, striving to arrive at a fair and lawful solution. She states that she will practice pragmatism while not allowing a pragmatic approach to deprive a litigant of constitutional rights, and that she will do what is right as a jurist rather than what is popular in the community.

“It is with great pleasure that I recommend that the Senate confirm the nominee as a District Court Judge in the Fifth Circuit Court of Hawaii.

“Thank you.”

Senator Chun rose in support of the nominee and stated:

“Mr. President, I also stand in support of the nominee.

“Mr. President, I’ve known Ms. Senda since childhood when we were both growing up on Kauai. I’ve always known her to be a person with great integrity, honesty, and intelligence – all essential factors to being a successful judge. Mr. President, the Bar of Kauai will miss Ms. Senda’s skill as an advocate, but I feel they will gain much from her service on the bench.

“Mr. President, on a personal note, I will miss Ms. Senda’s services as an advocate as part of the Bar, because now we’ll have to find another attorney to refer cases to when I have conflicts. So I think I will have to check with her other partner over there to see if I can do referrals on Family Court or other real estate related matters. I think her service on the bench will far, far outweigh the loss of her on the Bar.

“Thank you, Mr. President.”

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

Ayes, 23. Noes, none. Excused, 2 (Chumbley, Sakamoto).

At 12:09 o’clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:15 o’clock p.m.

RE-REFERRAL OF HOUSE BILLS

The Chair re-referred the following House bills that were received:

House Bill Referred to:

No. 160, H.D. 1 Jointly to the Committee on Tourism and Intergovernmental Affairs and Committee on Judiciary, then to the Committee on Ways and Means

No. 740, H.D. 2 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 815, H.D. 2 Committee on Commerce, Consumer Protection and Housing

No. 954, H.D. 3 Jointly to the Committee on Commerce, Consumer Protection and Housing, the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Water, Land, Energy, and Environment and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 998, H.D. 2 Committee on Judiciary

No. 1256, H.D. 2 Jointly to the Committee on Water, Land, Energy, and Environment and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1385, H.D. 3 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

RE-REFERRAL OF SENATE CONCURRENT RESOLUTIONS

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

Senate
Concurrent
Resolution

Referred to:

No. 38 Jointly to the Committee on Education and the Committee on Economic Development and Technology

No. 40 Committee on Economic Development and Technology, then to the Committee on Ways and Means

RE-REFERRAL OF SENATE RESOLUTIONS

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

Senate
Resolution

Referred to:

No. 30 Jointly to the Committee on Education and the Committee on Economic Development and Technology

No. 31 Committee on Economic Development and Technology, then to the Committee on Ways and Means

Senator Chun, for the Committee on Hawaiian Affairs, requested a waiver of the notice requirement pursuant to Senate Rule 20 for H.B. Nos. 144 and 159, and the Chair granted the waiver.

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

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

“I just wanted to give my personal point of view on this \$10,000 ad that appeared in this morning’s paper from the Governor. I think it’s wholly inappropriate of the use of public funds for involvement in this collective bargaining process.

“But you know, the interesting thing is that the Governor’s got a magazine that the public also pays for – Imiloa. The Governor has press conferences and press releases almost every day, so I don’t think the Governor has much trouble getting press coverage. I think, however, that maybe he would like to use some of his money for the Minority Caucus so that we can get our points as succinctly across and maybe we can go in on a joint ad with him.

“One of the things that was in the ad I’d like to call attention to my colleagues, because I know sometimes people get a little concerned that for five years now I have voted against every additional special fund. And people have said, ‘Now Sam, it’s a good cause and it’s a good reason’ and all that. My argument has always been twofold: (1) it is not good budgetary accounting procedures to have special funds; and (2) we always steal the special funds and they are not so special after all.

“I’m very happy to see that in this \$10,000 ad, the Governor says in the third paragraph, ‘three years ago we raided special funds and cut services to give teachers a 14 percent pay increase.’ Whether that percentage figure is correct or not, the fact is that that’s what we do – we create these special funds; we hide them from the general public; and then we allow them to be raided for purposes other than which they’re intended. That’s why, Mr. President, I will continue to vote against special funds. They’re BAD policy.

“Thank you.”

ADJOURNMENT

At 12:21 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 15, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate