

FORTY-SECOND DAY

Monday, April 2, 2007

The Senate of the Twenty-Fourth Legislature of the State of Hawai'i, Regular Session of 2007, convened at 11:54 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Pastor Michael Palompo, New Hope Mililani, after which the Roll was called showing all Senators present.

The President announced that she had read and approved the Journal of the Forty-First Day.

MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 722, advising the Senate of the withdrawal of the nomination of LISA ANN S.L. WONG to the Civil Rights Commission, under Gov. Msg. No. 303, dated February 7, 2007, was read by the Clerk and was placed on file.

In compliance with Gov. Msg. No. 722, the nomination listed under Gov. Msg. No. 303 was returned.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 486 to 494) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 486, returning S.B. No. 58, S.D. 2, which passed Third Reading in the House of Representatives on March 30, 2007, in an amended form, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 58, S.D. 2, and requested a conference on the subject matter thereof.

Hse. Com. No. 487, returning S.B. No. 1444, S.D. 1, which passed Third Reading in the House of Representatives on March 30, 2007, in an amended form, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1444, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 488, returning S.B. No. 1528, which passed Third Reading in the House of Representatives on March 30, 2007, in an amended form, was placed on file.

On motion by Senator Ige, seconded by Senator Whalen and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 1528, and requested a conference on the subject matter thereof.

Hse. Com. No. 489, returning S.B. No. 776, which passed Third Reading in the House of Representatives on March 30, 2007, was placed on file.

Hse. Com. No. 490, returning S.B. No. 923, which passed Third Reading in the House of Representatives on March 30, 2007, was placed on file.

Hse. Com. No. 491, returning S.B. No. 1513, which passed Third Reading in the House of Representatives on March 30, 2007, was placed on file.

Hse. Com. No. 492, transmitting H.C.R. No. 72, H.D. 1, which was adopted by the House of Representatives on March 30, 2007, was placed on file.

By unanimous consent, H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HEALTHCARE ASSOCIATION OF HAWAII TO EXAMINE THE PROBLEM OF PATIENTS IN ACUTE CARE HOSPITALS WAITLISTED FOR LONG-TERM CARE AND TO PROPOSE SOLUTIONS," was referred jointly to the Committee on Health and the Committee on Human Services and Public Housing.

Hse. Com. No. 493, transmitting H.C.R. No. 135, H.D. 1, which was adopted by the House of Representatives on March 30, 2007, was placed on file.

By unanimous consent, H.C.R. No. 135, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPARISON STUDY OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII AND THE BOARDS OF REGENTS OF SIMILAR STATE UNIVERSITIES ACROSS THE NATION," was referred to the Committee on Education.

Hse. Com. No. 494, transmitting H.C.R. No. 293, which was adopted by the House of Representatives on March 30, 2007, was placed on file.

By unanimous consent, H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CHANGE THE HAWAII ADMINISTRATIVE RULES TO ALLOW RAPID HIV TESTING IN THE STATE," was referred to the Committee on Health.

STANDING COMMITTEE REPORT**MATTER DEFERRED FROM THURSDAY, MARCH 29, 2007**

Stand. Com. Rep. No. 1353 (H.B. No. 1358, H.D. 1):

On motion by Senator Ige, seconded by Senator Whalen and carried, the joint report of the Committees was adopted and H.B. No. 1358, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURPOSE OF THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Second Reading and was placed on the calendar for Third Reading on Tuesday, April 3, 2007.

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1410) recommending that S.C.R. No. 56, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1410 and S.C.R. No. 56, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII EDUCATIONAL POLICY CENTER TO REPORT ON THE RETENTION AND CHANGE IN ASSIGNMENT OF TEACHERS WITHIN THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1411) recommending that S.R. No. 32, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1411 and S.R. No. 32, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE HAWAII EDUCATIONAL POLICY CENTER TO REPORT ON THE RETENTION AND CHANGE IN ASSIGNMENT OF TEACHERS WITHIN THE DEPARTMENT OF EDUCATION," was deferred until Tuesday, April 3, 2007.

Senators Sakamoto and Kokubun, for the Committee on Education and the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a joint report of the majority of the Committees (Stand. Com. Rep. No. 1412) recommending that S.C.R. No. 95, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1412 and S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES AT THE UNIVERSITY OF HAWAII AND THE HAWAII AGRICULTURE RESEARCH CENTER TO REFRAIN FROM DEVELOPING, TESTING, PROPAGATING, CULTIVATING, RAISING, OR GROWING GENETICALLY MODIFIED TRADITIONAL HAWAIIAN TARO VARIETIES IN THE STATE OR CONDUCTING ANY TYPE OF RESEARCH THAT WOULD SIGNIFICANTLY IMPACT TRADITIONAL HAWAIIAN TARO VARIETIES," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1413) recommending that S.C.R. No. 78, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1413 and S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON CURRENT INITIATIVES AND DEVELOP A PLAN FOR FUTURE AREAS OF IMPROVEMENT," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1414) recommending that S.R. No. 45, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1414 and S.R. No. 45, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON CURRENT INITIATIVES AND DEVELOP A PLAN FOR FUTURE AREAS OF IMPROVEMENT," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1415) recommending that S.C.R. No. 67 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1415 and S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE P-20 COUNCIL AND THE UNIVERSITY OF HAWAII TO REPORT ON EARLY COLLEGE AWARENESS PROGRAMS FOR ELEMENTARY AND MIDDLE SCHOOL STUDENTS," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1416) recommending that S.C.R. No. 166 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1416 and S.C.R. No. 166, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF

EDUCATION TO ESTABLISH A TEMPORARY LOCATION FOR THE MANOA PUBLIC LIBRARY TO ACCOMMODATE THE COMMUNITY AND STUDENTS DURING THE LIBRARY'S TWO-YEAR CLOSURE," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1417) recommending that S.C.R. No. 79 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1417 and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON THE LINKING OF FUNDING FOR INDIVIDUAL CAMPUSES WITH PERFORMANCE GOALS," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1418) recommending that S.R. No. 46 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1418 and S.R. No. 46, entitled: "SENATE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON THE LINKING OF FUNDING FOR INDIVIDUAL CAMPUSES WITH PERFORMANCE GOALS," was deferred until Tuesday, April 3, 2007.

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1419) recommending that S.C.R. No. 73, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1419 and S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SUBMIT A REPORT WITH INFORMATION REGARDING THE SALARIES OF UNIVERSITY OF HAWAII AT MANOA FACULTY AND ADMINISTRATORS," was deferred until Tuesday, April 3, 2007.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1420) recommending that S.C.R. No. 23 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1420 and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO EXAMINE ITS CURRENT ZONING LAWS, BUILDING CODES, AND SUBDIVISION REQUIREMENTS AND ELIMINATE ENCUMBRANCES TO FAMILY CAREGIVING AND AGING IN PLACE," was deferred until Tuesday, April 3, 2007.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1421) recommending that S.C.R. No. 69 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1421 and S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO REMOVE DESIGNATED BUILDINGS AT KALIHI VALLEY HOMES SCHEDULED FOR DEMOLITION," was deferred until Tuesday, April 3, 2007.

Senators Chun Oakland and Inouye, for the Committee on Human Services and Public Housing and the Committee on Intergovernmental and Military Affairs, presented a joint report (Stand. Com. Rep. No. 1422) recommending that S.R. No. 42 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1422 and S.R. No. 42, entitled: "SENATE RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO REMOVE DESIGNATED BUILDINGS AT KALIHI VALLEY HOMES SCHEDULED FOR DEMOLITION," was deferred until Tuesday, April 3, 2007.

Senators Chun Oakland and Hee, for the Committee on Human Services and Public Housing and the Committee on Judiciary and Labor, presented a joint report (Stand. Com. Rep. No. 1423) recommending that S.C.R. No. 10 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1423 and S.C.R. No. 10, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO IMPLEMENT A PILOT FAMILY COURT PARENTING PLAN MODEL PROGRAM IN THE FIRST CIRCUIT FAMILY COURT," was deferred until Tuesday, April 3, 2007.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1424) recommending that S.C.R. No. 21 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1424 and S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCIVE TO THAT FAMILIAL RELATIONSHIP," was deferred until Tuesday, April 3, 2007.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1425) recommending that S.R. No. 9 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1425 and S.R. No. 9, entitled: "SENATE RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCIVE TO THAT FAMILIAL RELATIONSHIP," was deferred until Tuesday, April 3, 2007.

Senator Chun Oakland, for the Committee on Human Services and Public Housing, presented a report (Stand. Com. Rep. No. 1426) recommending that H.C.R. No. 25 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1426 and H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCIVE TO THAT FAMILIAL RELATIONSHIP," was deferred until Tuesday, April 3, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1427) recommending that S.C.R. No. 3, as amended in S.D. 1, be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1427 and S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE RATE STRUCTURES OF PRIVATE ENTITIES THAT FURNISH WATER USED FOR AGRICULTURAL PURPOSES," was deferred until Tuesday, April 3, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1428) recommending that S.C.R. No. 206 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1428 and S.C.R. No. 206, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A TARO SECURITY AND PURITY RESEARCH PROGRAM," was deferred until Tuesday, April 3, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1429) recommending that S.C.R. No. 192 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1429 and S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A TASK FORCE TO DEVELOP LONG-TERM SOLUTIONS TO EFFECTIVELY PROTECT THE LIVESTOCK INDUSTRY IN HAWAII," was deferred until Tuesday, April 3, 2007.

Senator Kokubun, for the Committee on Water, Land, Agriculture and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1430) recommending that S.R. No. 122 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 1430 and S.R. No. 122, entitled: "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A TASK FORCE TO DEVELOP LONG-TERM SOLUTIONS TO EFFECTIVELY PROTECT THE LIVESTOCK INDUSTRY IN HAWAII," was deferred until Tuesday, April 3, 2007.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 1431) recommending that the Senate advise and consent to the nomination of CAROLEE K. ARICAYOS to the King Kamehameha Celebration Commission, in accordance with Gov. Msg. No. 524.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1431 and Gov. Msg. No. 524 was deferred until Tuesday, April 3, 2007.

Senator Fukunaga, for the Committee on Economic Development and Taxation, presented a report (Stand. Com. Rep. No. 1432) recommending that the Senate advise and consent to the nominations of the following:

ALBERT WARREN STIGLMEIER to the Board of Taxation Review, 4th Taxation District (Kaua'i), in accordance with Gov. Msg. No. 481;

MANOJ P. SAMARANAYAKE CPA to the Board of Taxation Review, 1st Taxation District (Oahu), in accordance with Gov. Msg. No. 482; and

CAROL P. WEIR to the Board of Taxation Review, 3rd Taxation District (Hawai'i), in accordance with Gov. Msg. No. 499.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1432 and Gov. Msg. Nos. 481, 482 and 499 was deferred until Tuesday, April 3, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1433) recommending that the Senate advise and consent to the nomination of DANIEL J. VARGAS to the Policy Advisory Board for Elder Affairs, in accordance with Gov. Msg. No. 329.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1433 and Gov. Msg. No. 329 was deferred until Tuesday, April 3, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1434) recommending that the Senate advise and consent to the nomination of PAULA A.Y. ARCENA to the Board of Health, in accordance with Gov. Msg. No. 342.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1434 and Gov. Msg. No. 342 was deferred until Tuesday, April 3, 2007.

Senator Ige, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1435) recommending that the Senate advise and consent to the nominations to the Board of Directors of the Hawai'i Health Systems Corporation of the following:

ANDREW DON MD, in accordance with Gov. Msg. No. 346; and

ROSANNE C. HARRIGAN EDD, in accordance with Gov. Msg. No. 347.

In accordance with Senate Rule 37(6), action on Stand. Com. Rep. No. 1435 and Gov. Msg. Nos. 346 and 347 was deferred until Tuesday, April 3, 2007.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1360 (Gov. Msg. No. 435):

Senator Fukunaga moved that Stand. Com. Rep. No. 1360 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of JOHN H. DELONG to the Board of Directors of the Natural Energy Laboratory of Hawai'i Authority, term to expire June 30, 2011, seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1361 (Gov. Msg. Nos. 474 and 520):

Senator Fukunaga moved that Stand. Com. Rep. No. 1361 be received and placed on file, seconded by Senator Espero and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nominations to the Hawai'i Historic Places Review Board of the following:

NAOMI CLARKE LOSCH, term to expire June 30, 2010 (Gov. Msg. No. 474); and

JOYCE NAOMI CHINEN PHD, term to expire June 30, 2011 (Gov. Msg. No. 520),

seconded by Senator Espero.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1362 (Gov. Msg. Nos. 343, 344, 345 and 417):

Senator Ige moved that Stand. Com. Rep. No. 1362 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations of the following:

EMMET WHITE to the Health Planning Council, Honolulu Subarea, term to expire June 30, 2011 (Gov. Msg. No. 343);

GLENN SOICHI IZAWA to the Health Planning Council, Tri-Isle Subarea, term to expire June 30, 2011 (Gov. Msg. No. 344);

ELAINE JULIA SLAVINSKY to the Health Planning Council, Tri-Isle Subarea, term to expire June 30, 2011 (Gov. Msg. No. 345); and

THOMAS O. BROWN to the Health Planning Council, Hawai'i County Subarea, term to expire June 30, 2011 (Gov. Msg. No. 417),

seconded by Senator Fukunaga.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1363 (Gov. Msg. Nos. 361, 362, 363, 364 and 365):

Senator Ige moved that Stand. Com. Rep. No. 1363 be received and placed on file, seconded by Senator Fukunaga and carried.

Senator Ige then moved that the Senate advise and consent to the nominations of the following:

ANDREW DAVID BISSET to the Mental Health and Substance Abuse, Hawai'i Service Area Board, term to expire June 30, 2010 (Gov. Msg. No. 361);

JANA HERKES to the Mental Health and Substance Abuse, Kaua'i Service Area Board, term to expire June 30, 2011 (Gov. Msg. No. 362);

MARY ANN MORISHIGE to the Mental Health and Substance Abuse, Kaua'i Service Area Board, term to expire June 30, 2011 (Gov. Msg. No. 363);

VIRGINIA RUTH SHAW to the Mental Health and Substance Abuse, Maui Service Area Board, term to expire June 30, 2011 (Gov. Msg. No. 364); and

PHIL E. KAY to the Mental Health and Substance Abuse, Maui Service Area Board, term to expire June 30, 2011 (Gov. Msg. No. 365),

seconded by Senator Fukunaga.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1364 (Gov. Msg. Nos. 315, 316 and 462):

Senator Hee moved that Stand. Com. Rep. No. 1364 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nominations to the Defender Council of the following:

JULIE KAI BARRETO, term to expire June 30, 2011 (Gov. Msg. No. 315);

MICHELLE L. DREWYER, term to expire June 30, 2011 (Gov. Msg. No. 316); and

MICHAEL KAIPOLEIMANU SOONG, term to expire June 30, 2011 (Gov. Msg. No. 462),

seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1365 (Gov. Msg. No. 424):

Senator Hee moved that Stand. Com. Rep. No. 1365 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of JAMES BURTON NICHOLSON to the Hawai'i Labor Relations Board, term to expire June 30, 2012, seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1366 (Gov. Msg. No. 495):

Senator Hee moved that Stand. Com. Rep. No. 1366 be received and placed on file, seconded by Senator Kokubun and carried.

Senator Hee then moved that the Senate advise and consent to the nomination of KEN HIDESHI TAKAYAMA to the Commission to Promote Uniform Legislation, term to expire June 30, 2011, seconded by Senator Kokubun.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1367 (Gov. Msg. No. 278):

By unanimous consent, action on Stand. Com. Rep. No. 1367 and Gov. Msg. No. 278 was deferred until Tuesday, April 3, 2007.

Stand. Com. Rep. No. 1369 (Gov. Msg. No. 314):

Senator Espero moved that Stand. Com. Rep. No. 1369 be received and placed on file, seconded by Senator Nishihara and carried.

Senator Espero then moved that the Senate advise and consent to the nomination of LISA ANN ASCHENBRENNER DUNN to the Crime Victim Compensation Commission, term to expire June 30, 2011, seconded by Senator Nishihara.

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

Ayes, 25. Noes, none.

Stand. Com. Rep. No. 1370 (Gov. Msg. No. 277):

At this time, the President made the following observation:

"Members, pursuant to Senate Rule 37(5), the final question on appointments by the Governor which require the confirmation or consent of the Senate must be stated in the affirmative, therefore, those casting 'Aye' votes are voting to confirm, and those casting 'No' votes are voting to reject the nomination.

"The recommendation of the Committee on Public Safety on Gov. Msg. No. 277 is that the Senate not advise and consent to the nomination of Iwalani D. White as Director of the Department of Public Safety. Therefore, the Chair will first entertain a motion to file Stand. Com. Rep. No. 1370, then we will move on to the final vote on this matter."

Senator Ige moved that Stand. Com. Rep. No. 1370 be received and placed on file, seconded by Senator Whalen and carried.

Pursuant to Senate Rule 37(5), Senator Whalen then moved that the Senate advise and consent to the nomination of IWALANI D. WHITE as Director of the Department of Public Safety, term to expire December 6, 2010, seconded by Senator Inouye.

Senator Whalen rose in favor of the nominee and said:

"Madam President, I rise to speak in favor of the motion.

"Madam President, being on the Committee I read through most of the testimony, if not all, and I spent a lot of time reviewing the opinions and statements made by people in this matter. Overall, something concerns me very greatly in the way the Senate is heading these last two years in particular. I find it odd that the Chairmen are putting more and more effort into they themselves digging up negative information on a nominee. This happened before and it's happened this time.

"I'm not confusing that with the Committee's responsibility to thoroughly investigate a nominee to make sure that the information is before the committee members and this Body before a decision is made. However, in this particular case it jumps out so overwhelmingly that the issues brought forth before the Committee in the negative were primarily leadership

style, personality complaints. There was nothing there substantively that reflected poorly on her record or as a person in her ability to lead the department.

“As all of us know, that department is a very difficult department to head at any rate. It’s been through many difficult challenges over the years and Ms. White has been doing an excellent job in trying to right that ship.

“I don’t see anything on the record that would give any reason for any of us not to support her in this position. Our role is to consent to a governor’s nominee unless we find some serious flaw or incompetence to do the job. It’s not for us to micromanage or to figure out who we want in that position and try to somehow arrange things for that to work.

“I’m sure there’ll be many more comments on this matter and I will save further comment for later. Thank you.”

Senator Hemmings rose to support the nominee and said:

“Madam President, I rise to speak in favor of the nominee, Iwalani White to the Department of Public Safety.

“I must ask the question, excuse the explicitness of the question, but I think it bears repeating – Who the hell would want this job anyway? – was the question, Madam President and colleagues. And I think it begs another question, Who are the people that stepped forward out of the private sector to take on these jobs in the 16 separate departments of the executive branch of government that we give advice and consent on? For the most part they’re good people who if they remained in the private sector could probably make more money and have an easier job doing so. But they’re good people. They step forward and they’re willing to go through the advice and consent process to get affirmed to do the job which they’ve applied to do.

“I would suggest much more is at stake than just this nominee today. I would suggest if without foundation or if for motives beyond the ability of the person that we’re passing judgment on, for instance politics, if that becomes one of the criteria for receiving the approval of this Senate, then maybe good people are not going to step forward because it just ain’t worth it.

“We’re asking this lady to continue on as director of an incredibly tough department, maybe the toughest in state government. Who are the clients? A lot of them are behind bars and they’re the worst of the worst of society. They’re put in jail for heinous crimes. Who are the employees that the leader of this department has to lead? They are people that have one of the toughest jobs in all of state government, going everyday to institutions that have to deal with these people who’ve been put behind bars to protect our society. Those employees, they have to be strong for the work they’re doing and they have to have a strong leader.

“In looking at the system by which we’ve come up with these conclusions, I would say the silver lining to the dark clouds that have been addressed by the process of advice and consent hearings is that maybe in our wisdom on this Senate Floor, Madam President and colleagues, we will improve the system by which we advise and consent. For the most part, I’d have to say that the Committee Chairman has conducted fair and what I hope would be impartial hearings void of soliciting negative testimony, void of hopefully leveraging the subpoena process to get that testimony, void of hearsay.

“But I do think one thing we should consider because we may be hearing about the testimony is that if there are 50 pieces

of testimony from one source, one fax number – they’re basically what I call template testimony – does that really represent 50 points of view, 50 aggrieved people, or is it just a contest between competing forces? Does that testimony really address the issues that the previous speaker spoke about – the qualifications and the performance of the individual we’re being asked to advise and consent on?

“I would suggest that we have to weigh the credibility of the testimony and the source of it. If it’s a discontented employee, which I’m sure there are discontented employees throughout state government – there might even be some discontented Legislators on this Floor – it bears scrutiny and consideration. But this is a tough job that demands a tough leader, and I would suggest that the nominee is just the person for the job at the right time and the right place because this department of government certainly needs a strong, tough leader who will not cower at the task in front of her.

“So what do the real experts say? What do the law enforcement officials of the State of Hawai‘i say? What do the prosecutors say? What does the attorney general say? What do the people who are involved in this business on a day-to-day basis say? They say that Iwalani White is the right person at the right time for the right job. This is so very important when we weigh the credibility of testimony and whose opinion will prevail by our vote here today.

“But most importantly, what are we saying about ourselves in this vote? Are we really doing what is best for the system? Are we doing what’s best for the employees? Are we doing what’s best for the people of Hawai‘i, or are there other motives that play a part in our vote here today? I would say that if we are going to vote for what is best for the people that sent us here, that we vote in the affirmative and we vote for making this lady the department head. It’s a tough job and a lot more is at stake on just this one advice and consent when it comes to having people step forward from their private lives to serve the public in probably one of the toughest jobs in the State of Hawai‘i.

“So I urge my colleagues, please give due consideration to this nominee and vote in the affirmative. She’s the right lady at the right time for the right job. I would like to request at the conclusion of the discussion this morning a Roll Call vote, Madam President.

“Thank you.”

Senator Espero rose to speak against the nominee as follows:

“Madam President, I’d like to rise in opposition to this nominee.

“I’m aware that some Senators and others feel the decision of the Public Safety Committee to reject Iwalani White as the head of the Department of Public Safety is political. This is not true. Since this Session, the Senate has approved several department heads and judges appointed by Governor Lingle. And when this process began for the Department of Public Safety, our intention was and still is to treat the nominee with fairness, respect, and a professional manner.

“Some have said that our task or job should be about checking if the nominee is qualified to be department head. Reviewing one’s qualifications is important and I acknowledge that Iwalani White’s background as a family court judge and a deputy prosecuting attorney is valuable and helpful in her role as department head. No one is questioning her qualifications. If our decision is to be based just on qualifications, she should be confirmed. However, Ms. White has been interim director

for eight months and it is this time period and decisions she made in this period that we are reviewing and questioning.

“Since this is the Governor’s second term, remember, colleagues, that the performance of directors and interims is a key part of our confirmation process we are now undertaking. Future nominees in the coming weeks will also be judged on their performance and their actions.

“Iwalani White has made mistakes and shown bad judgment as interim director. The opposition against her has come from many sectors, including mental health staff in the Department of Public Safety, guards and ACOs, top and middle management in the Department of Public Safety, and mental health advocates in the general public. I have given the testimonies received as of the March 22nd public hearing the greatest weight even though both sides have continued to send in comments as you all know. Up to March 22nd, an unprecedented 21 individuals had presented testimony to your Committee on Public Safety in opposition to Ms. White. This significantly high figure in a confirmation hearing demanded our utmost review and analysis. Indeed, there were 78 testimonies in support of Ms. White as of March 22nd, and I acknowledge the diversity of support from government officials, former colleagues, current Department of Public Safety employees, friends and peers, but the opposition’s testimonies could not be ignored and I have concluded Ms. White is not the right person to provide the leadership needed by the Department of Public Safety.

“Many people believe Ms. White’s actions to bring change to the department and weed out corrupt and underperforming Department of Public Safety staff is behind the opposition to her. I do not believe this is the case, and I believe the opposition is due to wrong decisions, bad judgment, and unfair treatment initiated by Ms. White thus questioning her leadership abilities and management skills. Moreover, criticism of Ms. White, which I found to be valid, include making decisions in haste without careful thought and all the necessary facts, not consulting with key staff or management on important matters, not following certain procedures and violating collective bargaining unit agreements, and creating a climate of distrust, fear and uncertainty in some segments of the department.

“At the March 22nd public hearing, her testimony on some issues was weak and raised further doubts. For example, her comments about shredding an internal investigative report which exonerated a deputy director was troubling; her decision not to send a letter exonerating the deputy director; her decision not to notify employees that they have been cleared of criminal charges even though they were cleared by the attorney general’s office of allegations over four months ago; her implication that an administrative investigation was almost completed when in fact it has yet to be started, and as of the hearing she did not know what it will cost or when it will begin; the decision to have the same administrative investigation done by an outside neutral party adding potential costs of tens-of-thousands of dollars when the internal affairs division could complete the investigation at no added cost to the department; her decision to ban the state’s mental health branch administrator from OCCC for a period of time and yet again at Halawa Correctional Facility, knowing the state is under federal monitoring of its mental health services and programs for offenders; her strong comments that the mental health branch administrator does not treat prisoners in a clinical sense when follow-up research with documentation contradicts her statement; her comments at the public hearing that a personnel evaluation was done of an employee then later advising me last week that no personnel evaluation was done of a certain staff member directly involved in a deputy director’s administrative investigation – I am still investigating this matter because I was informed by one of Ms. White’s employees over the weekend that he is 99 percent

certain he saw the evaluation; and her hasty decision without the proper input from key staff to change policy and procedures to handle departmental complaints.

“I have no doubt Ms. White has been working to improve the Department of Public Safety, but the bad decisions and wrong judgment in the eight months she has been interim director makes me conclude her lack of public safety or a corrections background has been a factor in her performance. Being a family court judge and working as a deputy prosecuting attorney are much different than being in charge of a 2,400-person state department.

“Some individuals have asked me to support Iwalani White, reasoning that no one else wants the position and the department has been leaderless for some time. My answer is department heads should not be selected based on this premise and we do not advise and consent by default.

“An editorial in the morning paper today stated we should be cautious and be aware of the ramifications our decision will have today. The public and Department of Safety should be assured that your Legislature has taken action this Session where the administration has not. S.B. No. 932 creates and supports comprehensive reentry and rehabilitation programs for our inmates. S.B. No. 914 provides funding for mental health programs and initiatives, an area which needed more support. S.B. No. 917 develops a plan to bring our woman prisoners home by 2009 and consider the possibility of leasing or selling the property at OCCC in order to build a new minimum security prison with an emphasis on drug treatment and reentry. These are senatorial initiatives and your Legislature will take a proactive position and help the administration where improvements are needed.

“In closing, I regret I must vote against this nomination knowing Iwalani White is committed to public service. I know this time period has been difficult for the nominee both professionally and personally. I ask my colleagues for your support of my recommendation based on a thorough and fair confirmation process and the recommendation of the Committee on Public Safety.

“Thank you, Madam President.”

Senator Slom rose in support of the nominee and stated:

“Madam President, I rise in strong support for the Governor’s nominee, Iwalani White.

“You know, until this year, many people in the public weren’t even aware of our advise and consent procedure. They weren’t aware of the importance of having hearings and examining the character of individuals who want to serve either as paid members of a particular department or the vast majority who are non-paid volunteers to the many boards and commissions. The public didn’t realize how important it is for us to really give scrutiny and full advantage to all voices in determining whether or not we advise and consent. Those of us in the Senate understand that this is an awesome responsibility and should not be taken lightly.

“I watched the two hearings and I have no criticism of the Chairman of the Committee, but I think he and the two members of the Committee that voted against the nomination are flat out wrong. I say that for a number of reasons. It is true that this is a difficult position that I doubt any of us in this Body or anyone in the gallery would want to take on. In fact, look at the record. Look at how many people have been in this position and have left the position without any changes or the situation getting worse. In fact, we had one of the top judicial people in

the world who was for a brief period of time in charge of what I would refer to as a 'snake pit,' and no changes were made.

"And now comes a woman with an impeccable background, experience, academics, and a willingness and a passion to make changes. How long has she been on the job? Eight months, as was said. It's a very short time, and yet we know that in this community, in this state, those that want to change the status quo are pushing strings uphill because there is always opposition to making those changes and to doing things differently even if it can be substantiated that it's for the benefit of the agency, the institution, and more importantly the public. And in fact, let us not forget the name of this department is the Department of Public Safety, and what we really have to insure in all of our procedures, in all of our hearings and all of our investigations is that the public will remain safe. And who is or who are the best people to insure that?"

"I agree with the Committee Chairman that just because no one would like to take this job or no one has succeeded in the past, that in and of itself is not a reason to approve the nominee. This nominee should be approved for what she has done in a very short period of time and in many ways for the criticism that has emerged. I know that the Chairman will agree with me that it's not a question of numbers, and the fact that there were 15 people that initially testified against the nominee out of a total, I believe, of 100 testimonies, while much greater than the previous judicial nominee that we approved several weeks ago, is not as important as the depth of the criticism and the analysis of the investigation. The fact that the Chairman says he still is getting alleged criticisms from people who are not under oath, people who have not been subpoenaed, people who have not been seen by any other members of the Senate, I think again is significant that this nominee in a short period of time is rattling cages and making changes that need to be made.

"For the last several administrations there have been problems – problems of crime, problems of corruption, problems of overtime and cost, problems of drugs – in these very institutions. Are we concerned about the criminals behind bars? Sure we are. Are we concerned about their mental health? Yes, indeed. But we should be more concerned about the victims of crime and about the community and the public whose safety we have sworn to protect. And in that regard, all of the criticisms taken in total have not suggested that Iwalani White is incapable or has made the wrong decisions in those areas. The criticism is that she's not good with some personnel. Obviously she's good with the majority of personnel because they testified on behalf of her. The criticism is that she's not a good communicator. I've heard that complaint. I never got the chance to meet with her. I don't know her from before; all I know of her is about her background and what I watched in the two days of hearings. I've got to tell you that the criticism is criticism that maybe all of us could share in – not communicating all the time properly, not doing things exactly the way that some other people would like them done, making mistakes, I think we're all guilty of that.

"But let's look at some of the other specifics that were mentioned. One was that the nominee allegedly violated certain collective bargaining agreements. You know one of the most interesting things to me in watching those two days of hearings was the fact that members' leaders of two of the largest unions in this state came forward and testified in solid support. Now, if Ms. White had been violating collective bargaining agreements, if she had not been doing what the unionized corrections officials were expecting in terms of managerial treatment and the conditions of that collective bargaining agreement, you would not have heard from the United Public Workers head; you would not have heard from AFL-CIO AFSCME in support of this nominee. So I'm really confused as to what kind of

collective bargaining agreement violations were taking place that the unions would not raise a raucous over.

"Then there was the concern that we have to be very careful with the people that are testifying against her because otherwise, as the committee report says, we could put careers in jeopardy. What about the career of Iwalani White? What about the experiences that she's had? What about the dedication? What about the service? What about the accomplishments she has had? Are we not saying it's okay to put her career in jeopardy, but to people, some of whom have been under investigation, some of whom have been convicted, we are more concerned about their careers?"

"I think that when we go through the process of advise and consent we certainly need to balance all of the things, all of the things that we hear. Yes, we have to go beyond just the qualifications of the job, but we have to be smart enough, intelligent enough to discern the difference between someone who has a vested interest in being disgruntled and someone who is desperately trying to make a change for the public's benefit.

"The term micromanaging has been used. Can I recall just a few days ago on this very Senate Floor I stood up in opposition to a bill, one of several bills trying to wrest power from the executive branch, in this case having to do with the selection process for Board of Regents at the University of Hawai'i, and what was one of the criticisms of the Board of Regents? That they were too involved with the university and they were micromanaging. So that seems to be a common theme.

"We also have heard that this nominee considered shredding a document and the Chairman was troubled by this. I think all of us are told to shred certain documents everyday. And there may have been a discussion and a decision as to whether you or I would have shredded the document, but let's make it clear, that item was brought up by the nominee herself in full disclosure and full honesty of everything that went on in her department, and her final decision in fact was not to shred the document. She indicated she had good reasons for doing so but in the end decided not to shred the document. So, to bring that up now and talk about that I think does an injustice to the nominee.

"We also heard that there is a climate of fear, although the Chairman was honest enough to put in the adjective in some sectors of the department. Well, some people may fear or feel that they fear. We heard the same argument against the judicial nominee. I was bemused by the fact that lawyers were afraid. God loves the lawyers because he's created so many of them, particularly in our town. I don't see a lawyer being afraid of anything unless it's nonpayment for his bills.

"We really have to look at the full person and we have to understand that if you're going to take on this job, you're going to take on criticism and you're going to take on people that don't like you, and you're going to make decisions that people will not like. All of us do that. We do that everyday. That's not to say that the decisions are wrong; it's just to say that some people do not subscribe to those decisions. And that's fine, and that's the way it should be, and that should all be part of the record as it is. But when the day is finished and when all of the testimony is laid out side by side, and when all of the considerations for changing this department and changing this process are made, the question then becomes, Is the nominee capable, experienced, passionate, consistent enough to handle this job? And the answer has got to be 'Yes, she is.'

"There was a quotation from this morning's editorial about the fact that there are ramifications for our decisions. I absolutely believe that. I believe that the advise and consent

process is an important one. I believe that we do, generally, a good job in providing the information, but I think where we fall short is after we have all the information for ourselves to be in a position to say with this information and with this criticism and with these unhappy people, we should then dis the nominee. I don't think that the criticism, or the alleged mistakes, or the problems rise to the level of saying 'no.'

"One final comment, in the committee report and in the Floor remarks today it was mentioned how the nominee has asked for an outside investigation of certain policies and certain procedures. And the criticism was made that first of all we have the talent and the capability of doing that inside that department, and secondly, my goodness, it might cost up to \$25,000. That's chump change in this Body. We spend millions of dollars. We waste tens-of-millions of dollars on projects that don't come to fruition. And if Ms. White had not called for an independent outside investigation, these same critics would have then said, 'Aha, she should have somebody independent. She's not capable of making the decision herself.' How do I know that? Because the same charge was leveled against our attorney general and we forced that department to go to outside investigators when it had to do with Kauai and the Kaloko Dam. Did we have enough deputy attorney generals? Did we have enough brain power? Did we have enough resources? Yes, but this Body said we needed something independent and outside, and that's what Ms. White did and now she's being criticized for it.

"We can't have it both ways, colleagues. And so I urge you – I urge you – to keep asking questions whenever we have a candidate, to go beyond just the qualifications, but then when all is said and done, take a moment and think about those ramifications and think about the public – the public that depends on us to make the right decisions. And sometimes, like in the past, we have made the wrong decisions, just as some people have accused the nominee of making wrong decisions.

"I trust that this morning we'll put differences aside, we won't even talk about politics, but we'll decide to do the right thing and confirm Iwalani White.

"Thank you, Madam President."

Senator Whalen rose again in support of the nominee as follows:

"Madam President, I rise in support, still.

"For all my colleagues, I know generally in this Body we tend to give deference to the Chairman. It's their Committee; they put the time and the research into what's going on with the issues. And as a Body, we tend, not always, but tend to go along with the recommendations. In this particular case, I just want to summarize the thinking process of the Chair of Public Safety as he just gave in his speech. He mentioned that there were a number of areas where there was negative testimony from the mental health middle management and some workers in the department. Then he mentioned that there was far more input from people who were in favor of the nominee coming from the same body including others. In the testimony there were inmates, but basically across the board the testimony was in favor of the nominee. Then finally, well not finally, but then he said that he decided, I forgot the word he used, but basically he believed the antis. You've got 'yes'; you've got 'no.' He decided to go with the 'no,' because at the very beginning of his speech he said that if we were just looking at this on her qualifications, she is qualified and we should advise and consent her to the department.

"So it comes down to you, then. Are you going to listen to a few bad apples who have negative things to say and yet the person in the very next cubicle says that Iwalani White is a great director and urging us to confirm her? It's a question you're going to have to call for yourself, because in this particular case, in all due deference to the Chair, you know, I went along with the people who supported her. Whose decision is right, whose is wrong? You make the call. If we're just doing numbers like in a high school popularity contest, the ayes have it. If you're looking for reasons to dump somebody or something to hang your hat on, it's a pretty wobbly peg."

Senator Gabbard rose in favor and said:

"Madam President, I'd like to have my comments in favor of Ms. Iwalani White's confirmation inserted into the Senate Journal. Mahalo."

The Chair having so ordered, Senator Gabbard's remarks read as follows:

"Madame President, I rise in support of the nomination of Ms. Iwalani White as the Director of the Department of Public Safety.

"It's true that some employees at the Department of Public Safety have questioned Ms. White's management style – calling her 'iron fisted.' But this shouldn't be surprising considering that Ms. White is trying to make needed changes at the Department. As we all know, the Department of Public Safety has very serious problems that have to be addressed. Ms. White has done her best, but she's only been on the job for eight months, so we can't lay all the blame at her doorstep. What I can say is Ms. White has been an excellent judge and prosecutor and that she had the courage and determination to step forward to take on this very tough job.

"Colleagues, Ms. White deserves our support and the opportunity to make things better at the Department of Public Safety. I urge you to vote to confirm Iwalani White. Thank you."

Senator Espero rose and stated:

"Madam President, I'd like to comment on some of the comments.

"It's interesting that whenever we approve or vote for a nominee unanimously everything is fine, our decision is right. However, when there is someone who is opposed and there is debate and controversy, then suddenly we're making wrong decisions; we don't know what we're talking about; we're looking at things in the wrong vein.

"This is not a popularity contest. I expect every nominee that comes forward to be able to generate anywhere from 50 to 250 letters in support. Having people show their support to you, whether they are current employees, former colleagues, friends, and neighbors is not a difficult task to do. However, what is more difficult is to step forward to come and oppose an individual, to oppose an individual that you may work with, to oppose an individual you may have done some past work with. That's what, up to our March 22nd hearing, 21 individuals did, with the majority of them from the Department of Public Safety. In the context of a confirmation hearing, this is extremely unprecedented.

"We have had nominees this Session that have gone through this process with zero complaints. So it is important that we have to look at the quality of the opposition, which we did, looking at it very thoroughly, in my opinion, very fairly, giving

people the benefit of the doubt where we could, making phone calls and looking at other documents to substantiate the claims.

“The nominee has only been in office for eight months and yet she has generated a plethora of opposition of people who have concerns, of individuals who question her abilities. I believe, as I said, that in her heart she is a good person who values public service. But if I have to look at it from the context of what is best for the department, what is best for the people of Hawai’i as was stated, I believe that she is not the right leader for the Department of Public Safety and I ask for your support of your Committee’s recommendation.

“Thank you.”

Senator Baker rose in opposition to the nominee and said:

“Madam President, it is with some considerable reluctance that I rise in opposition to this nominee.

“For those of my colleagues who know, when there are women in leadership positions, I always try to support them. In looking at this nominee, I find that the women’s community is split. There are people that I respect and admire who are supporting her nomination. There are people that I respect and admire who have said that she is not in the right position at this time for this job.

“When I met with her early this year, I was impressed with her commitment to rehabilitation, and yet I find that those who are in the reintegration and rehab community are split on this nominee. People that I respect and who work with folks who have finished their service to the community and are being reintegrated into the community have supported her. Others have said despite her knowledge because she often works on emotion, she’s not really the right person to lead that kind of change needed in the department.

“It is with reluctance that I rise to oppose her because I think that she does have some fine qualities, but I suspect in the final analysis, those qualities are best suited in other positions and not as the director of Public Safety. So I will be joining some of my other colleagues in voting ‘no.’

“Thank you.”

Senator Trimble rose to support the nomination as follows:

“Madam President, I rise in support of Ms. White.

“Colleagues, if we are considering what is best for the Department of Public Safety, what is best is not leaving it without a head. When I first started work for state government – gosh, 1974 – the prison system was considered the worst department in state government. The Department of Public Safety is a troubled department. Whether it’s a snake pit or whether it is a bureaucracy run amok, it is not clear. What is clear is that with Ms. White we had determination to bring the department back under control.

“Were mistakes made? Sure, we all make mistakes. Were enemies created? Sure, enemies were created. But if we took these to heart, then none of us would ever run for reelection.

“The fact that we have an individual that is committed to public service, that has the credentials that she has and that she is showing that she is willing to take the department back again under control, I think should be considered before you cast your vote in favor of her nomination.

“Thank you.”

The motion was put by the Chair and, Roll Call vote having been requested, failed to carry on the following showing of Ayes and Noes:

Ayes, 9. Ayes with Reservations, 3 (Chun Oakland, Fukunaga, Taniguchi). Noes, 16 (Baker, Bunda, English, Espero, Hanabusa, Hee, Hooser, Ige, Ihara, Kim, Kokubun, Menor, Nishihara, Sakamoto, Tokuda, Tsutsui).

THIRD READING

H.B. No. 17, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 17, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO EDUCATION,” was deferred until Tuesday, April 3, 2007

H.B. No. 987, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 987, H.D. 1, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO POLICE OFFICERS,” was deferred until Tuesday, April 3, 2007

H.B. No. 1153, S.D. 1:

By unanimous consent, action on H.B. No. 1153, S.D. 1, entitled: “A BILL FOR AN ACT RELATING TO PRECURSORS TO THE MANUFACTURE OF CONTROLLED SUBSTANCES,” was deferred until Tuesday, April 3, 2007

H.B. No. 1157:

By unanimous consent, action on H.B. No. 1157, entitled: “A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS,” was deferred until Tuesday, April 3, 2007

RE-REFERRAL OF A SENATE CONCURRENT RESOLUTION

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

Senate
Concurrent
Resolution Referred to:

No. 54 Jointly to the Committee on Economic Development and Taxation and the Committee on Public Safety

RE-REFERRAL OF A SENATE RESOLUTION

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

Senate
Resolution Referred to:

No. 29 Jointly to the Committee on Economic Development and Taxation and the Committee on Public Safety

ADJOURNMENT

At 12:50 o’clock p.m., on motion by Senator Ige, seconded by Senator Whalen and carried, the Senate adjourned until 11:30 o’clock a.m., Tuesday, April 3, 2007.