

## TWENTY-EIGHTH DAY

Friday, March 12, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:09 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Monsignor William Spain, Holy Trinity Church, after which the Roll was called showing all Senators present with the exception of Senators Matsuura, Nakasato, Tanaka and Tungpalan who were excused.

The President announced that he had read and approved the Journal of the Twenty-Seventh Day.

## MESSAGE FROM THE GOVERNOR

Gov. Msg. No. 232, dated March 8, 1993, transmitting the 1992 Annual Report of The Research Corporation of the University of Hawaii as mandated by Section 307-6, HRS, was read by the Clerk and was placed on file.

## HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 377 to 379) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 377, transmitting H.B. No. 195, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 195, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS BUDGET," passed First Reading by title and was referred to the Committee on Government Operations, Environmental Protection and Hawaiian Programs, then to the Committee on Ways and Means.

Hse. Com. No. 378, transmitting H.B. No. 203, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 203, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed First Reading by title and was referred to the Committee on Judiciary, then to the Committee on Ways and Means.

Hse. Com. No. 379, transmitting H.B. No. 1152, H.D. 1, which passed Third Reading in the House of Representatives on March 11, 1993, was placed on file.

On motion by Senator Ikeda, seconded by Senator Reed and carried, H.B. No. 1152, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed First Reading by title and was referred to the Committee on Ways and Means.

## SENATE CONCURRENT RESOLUTIONS

The following concurrent resolutions (S.C.R. Nos. 81 to 84) were read by the Clerk and were referred to committees:

## Senate Concurrent Resolution

No. 81 "SENATE CONCURRENT RESOLUTION DIRECTING A STUDY OF GTE HAWAIIAN TELEPHONE COMPANY TO DETERMINE WHETHER

CURRENT TELECOMMUNICATION SERVICES ARE SERVING THE PUBLIC INTEREST."

Offered by: Senator Aki, by request.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Legislative Management

No. 82 "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE TO RENEGOTIATE FAIR AND REASONABLE LEASE RENTS FOR INDUSTRIAL LESSEES IN THE HONOLULU INTERNATIONAL AIRPORT AREA."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism, Recreation and Transportation

No. 83 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COLLABORATE WITH INTERESTED PARTIES TO SEEK ALTERNATIVES TO SNARING AND AERIAL HUNTING OF INTRODUCED FERAL ANIMALS."

Offered by: Senator Nakasato.

Referred to: Committee on Planning, Land and Water Use Management

No. 84 "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE VISITOR INDUSTRY ACTIVITIES AND PROMOTIONS WITH THE STATE INFORMATION NETWORK."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism, Recreation and Transportation

## SENATE RESOLUTIONS

The following resolutions (S.R. Nos. 66 and 69) were read by the Clerk and were referred to committees:

## Senate Resolution

No. 66 "SENATE RESOLUTION DIRECTING A STUDY OF GTE HAWAIIAN TELEPHONE COMPANY TO DETERMINE WHETHER CURRENT TELECOMMUNICATION SERVICES ARE SERVING THE PUBLIC INTEREST."

Offered by: Senator Aki, by request.

Referred to: Committee on Science, Technology and Economic Development, then to the Committee on Legislative Management

No. 67 "SENATE RESOLUTION REQUESTING THE STATE TO RENEGOTIATE FAIR AND REASONABLE LEASE RENTS FOR INDUSTRIAL LESSEES IN THE HONOLULU INTERNATIONAL AIRPORT AREA."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism, Recreation and Transportation

No. 68 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COLLABORATE WITH INTERESTED PARTIES TO SEEK ALTERNATIVES TO SNARING AND AERIAL HUNTING OF INTRODUCED FERAL ANIMALS."

Offered by: Senator Nakasato.

Referred to: Committee on Planning, Land and Water Use Management

No. 69 "SENATE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO COORDINATE VISITOR INDUSTRY ACTIVITIES AND PROMOTIONS WITH THE STATE INFORMATION NETWORK."

Offered by: Senator Nakasato.

Referred to: Committee on Tourism, Recreation and Transportation

### ORDER OF THE DAY

### ADVISE AND CONSENT

Ldr. Com. Rep. No. 880 ( Gov. Msg. No. 194):

Senator Holt moved that Ldr. Com. Rep. No. 880 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate consent to the nomination of KEVIN S.C. CHANG for judge of the Circuit Court of the First Circuit, 2nd Division, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator A. Kobayashi.

Senator Holt spoke in support of the nominee, as follows:

"Mr. President, I rise to speak in support of nominee Kevin Chang to the First Circuit Court bench.

"Your Committee on Executive Appointments has found the nominee to be a remarkable individual, exemplifying all the qualities which should be characteristic of judges -- intelligence, appropriate judicial temperament, sound judgment and dedication. He brings with him to the Judiciary, not only an awareness and sensitivity to the people of this community but, more importantly, the courage to make tough decisions and the foresight necessary to follow through. His deep sense of commitment to the ideals of the profession, combined with his moral strength and integrity, makes this nominee a fair, independent and compassionate decision-maker. In addition, the testimonies we received indicate that the nominee has a special gift to discern right from wrong and good from bad, regardless of what side of the issue he was on.

"Mr. President, I first met Kevin Chang several years ago through my good friend Don Carroll of Oceanic Cablevision. Since that time, I have been extremely impressed with Kevin as a person and as a professional. I was even more impressed at Tuesday's confirmation hearing where I learned that Kevin has been the pro bono legal adviser for the Sex Abuse Treatment Center for the past six years.

"Mr. President, Kevin Chang's dedication to public service is inspiring. As Don Carroll testified, 'He is an excellent choice for the court and I believe strongly that his appointment will benefit the people of Hawaii.'

"For these reasons, Mr. President, Kevin Chang richly deserves our advise and consent and I therefore urge my colleagues to vote in support of Governor's Message 194. Thank you."

Senator Reed also supported the nominee and remarked:

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

"It's a pleasure to see former deputy prosecutors appointed to the Circuit Court and, in this instance with regard to Kevin Chang, it is a particular pleasure because I had the opportunity to work alongside Kevin Chang while we were both at the prosecutor's office in the early '80s. I found Kevin to be a person with intelligence and exceptional integrity. I am confident that he will make a major contribution and be an exceptional addition to the Circuit Court.

"I urge his unanimous support."

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Matsuura, Nakasato, Tanaka, Tungpalan).

Senator Holt then introduced Judge Kevin Chang and his wife, Landicce Chang, who were seated in the gallery. (Judge and Mrs. Chang rose to be recognized.)

Ldr. Com. Rep. No. 879 ( Gov. Msg. No. 192):

Senator Holt moved that Ldr. Com. Rep. No. 879 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate consent to the nomination of BAMBI E.E. WEIL for judge of the Circuit Court of the First Circuit, 5th Division, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, for a term of ten years, seconded by Senator A. Kobayashi.

Senator Holt spoke in support of the nominee and said:

"Mr. President, I rise to speak in support of this motion and nominee Bambi Weil.

"As the chairman of your Committee on Executive Appointments, I would like to inform this body that sentiments reiterated on behalf of Judge Weil attest to her ability to be eminently fair and to her commitment to improving the Judiciary. As a sitting judge, she has demonstrated her keen analytical skills, excellent judgment and great compassion which I believe will bring experience to the court and add to its stature. The enthusiasm that she exudes toward her work is not only ceaseless but inspiring. Her experience, objectivity and integrity are unshakable. In this respect, Mr. President, Judge Weil has earned the respect of her colleagues as well as her contemporaries and I therefore urge my colleagues to vote in support of Governor's Message 192."

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

Ayes, 20. Noes, none. Excused, 5 (Chang, Matsuura, Nakasato, Tanaka, Tungpalan).

Senator Holt then introduced Judge Bambi Weil who was seated in the gallery with her hanai family - tutu Hao, Lena Ralston, dad Joseph Hao, sisters Jo Ann and

Stephie Hao. (Judge Weil and her family rose to be recognized.)

At this time, Senator A. Kobayashi, on behalf of the Senate, extended a Happy Birthday to Faith Sodemani of the Ways and Means Committee staff.

#### **ADJOURNMENT**

At 11:20 o'clock a.m., on motion by Senator Ikeda, seconded by Senator Reed and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, March 15, 1993.