

FIFTY-FIFTH DAY

Monday, April 26, 1993

The Senate of the Seventeenth Legislature of the State of Hawaii, Regular Session of 1993, convened at 11:36 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Major James A. Greaser, Chaplain, United States Army Support Command, Hawaii, after which the Roll was called showing all Senators present with the exception of Senators Mizuguchi and Tungpala who were excused.

The President announced that he had read and approved the Journal of the Fifty-Fourth Day.

Senator Grauly presented and introduced Mr. John White of the Hawaii Food Bank, as follows:

"Mr. President, it's my great honor to introduce to the Senators this morning someone who's been involved in community activities for many, many years. I believe he mentioned, when he met with you earlier, that he was first involved in community activities at the Waianae Model Cities Program, and at that time you were not even in politics. This particular person has taken his community involvement one step higher, so to speak, by becoming involved in the drive to stamp out hunger in our state and, at the present time, he is the president of the Hawaii Food Bank.

"In 1982, Mr. President, a Representative by the name of John Waihee initiated a study on the 'Good Samaritan' law which formed the basis of the food bank and we have seen, in our own participation over the past several days, the wisdom of that particular law.

"It's my great pleasure this morning to introduce to the members of the Senate someone who is here to in turn give us some recognition, and may I introduce to this body none other than Mr. John White, the president of the Hawaii Food Bank. (Mr. White, seated on the floor of the Senate, stood to be recognized.)

"Mr. President, I believe he has something in his hand that he would like to present to you and to all of us for the efforts that we have undertaken over the last two weeks. (Mr. White presented Senate President Aki a plaque from the Hawaii Food Bank.)

"Mr. President, may I add that the total amount of pounds collected for the Senate was 9,160 pounds, and I understand from Mr. White that it is a legislative record. There was a total of 15,000 pounds collected by the House and the Senate and with the per capita, Mr. President, we each donated, each of us Senators and staff, 29.3 pounds, far in excess of the suggested 5-pound donation, so it was a tremendously successful campaign. I wish to thank Mr. White for having this campaign, and all the Senators for their support.

"Also present in the audience, this morning, is his administrative assistant, Ms. Mandy McGee." (Ms. McGee, seated in the gallery, rose to be recognized.)

The Chair thanked Senator Grauly for a job well done and thanked Mr. White for the plaque of recognition.

At 11:43 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:46 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 359 to 366) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 359, submitting for consideration and confirmation to the Board of Agriculture, the nominations of: DAVID A. NOBRIGA, term to expire June 30, 1996; and PHYLLIS SUMIKO SHIMABUKURO and MEREDITH J. CHING, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 360, submitting for consideration and confirmation to the Contractors License Board, the nominations of RONALD B. IIDA, BURMA J. KANEAPUA and NORMAN L. SAKAMOTO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 361, submitting for consideration and confirmation to the Hawaii Housing Authority, the nominations of: ROBERT L.P. TONG, term to expire June 30, 1993; VICTOR T. NAKAMURA, term to expire June 30, 1996; and ROBERT L.P. TONG and SHARON R. YAMADA, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 362, submitting for consideration and confirmation to the Board of Directors of the Hawaii Information Network Corporation (Hawaii Inc.), the nominations of STANLEY HANZAWA and LARRY RAY CROSS, Ph.D., terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 363, submitting for consideration and confirmation to the Board of Trustees, Hawaii Public Employees Health Fund, the nominations of KEITH A. GOTO and CALVIN S. MIYAMOTO, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 364, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nominations of ANN K. NATHANIEL and PATRICIA WILCOX SHEEHAN, terms to expire June 30, 1997, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 365, submitting for consideration and confirmation to the State Board of Nursing, the nominations of BENJAMIN MERCADO, L.P.N., CALVIN M. ICHINOSE, R.N., C.R.N.A., M.B.A., BARBARA RUTH S. UWEKO'OLANI, R.N., and JERRY A. WALKER JR., terms to expire June 30, 1996, was referred to the Committee on Executive Appointments.

Gov. Msg. No. 366, submitting for consideration and confirmation to the Board of Examiners of Nursing Home Administrators, the nomination of HENRY JAY HANNIGAN, term to expire June 30, 1997, was referred to the Committee on Executive Appointments.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 663 to 665) were read by the Clerk and were placed on file:

Hse. Com. No. 663, informing the Senate that the Speaker on April 20, 1993, discharged Representatives Hiraki, Kawakami and Marumoto as a manager on the part of the House at the conference on H.B. No. 1653, H.D. 2 (S.D. 2).

Hse. Com. No. 664, informing the Senate that the amendments proposed by the Senate to H.B. No. 1650, H.D. 1, were agreed to by the House, and H.B. No. 1650, H.D. 1, S.D. 1, passed Final Reading in the House of Representatives on April 23, 1993.

Hse. Com. No. 665, informing the Senate that the Speaker on April 23, 1993, appointed Representative Peters as an additional manager on the part of the House at the conference on H.B. No. 1624, H.D. 2 (S.D. 1).

ORDER OF THE DAY

ADVISE AND CONSENT

Ldr. Com. Rep. No. 1642 (Gov. Msg. No. 238):

Senator Holt moved that Ldr. Com. Rep. No. 1642 be received and placed on file, seconded by Senator A. Kobayashi and carried.

Senator Holt then moved that the Senate advise and consent to the nomination of DAYTON N. NAKANELUA for Director of Labor and Industrial Relations, term to expire December 5, 1994, seconded by Senator A. Kobayashi.

Senator Holt rose to speak in support of the nominee and said:

"Mr. President, I rise to speak in support of Governor's Message 238. As you know, this is the final nominee to a cabinet position this year.

"Mr. President, I'm pleased to speak on behalf of Dayton N. Nakanelua and to recommend the advise and consent of the Senate for his appointment to the position of Director of the Department of Labor and Industrial Relations.

"By way of background, Mr. Nakanelua graduated from St. Louis High School in 1962. Upon his graduation he served in the United States Air Force and was honorably discharged in 1968. He then enrolled at the University of Hawaii and earned a B.B.A. degree in personnel and industrial relations.

"His employment history since then includes a variety of labor related positions. He began his career as a job developer for Vietnam era veterans and shortly thereafter joined the State of Hawaii Organization of Police Officers as a supervising agent. In 1979 he entered the civil service system as a personnel management specialist at the State Department of Personnel Services, and in 1982 he left to become executive assistant to the director of the United Public Workers.

"During the public hearing on his nomination, your Committee on Executive Appointments received testimony from a wide variety of people. Despite the variety, however, the consensus was unanimous that Dayton Nakanelua is a widely respected, highly skilled and very successful labor leader who is well qualified to serve as the director of DLIR. As a result, Mr. President, the obvious question that came to mind was: why would such a person want to accept this position for only 20 months? While the question may have been obvious, the answer was not, so I asked him at the hearing. His response, Mr. President, was eloquent in its simplicity and forthright honesty. He spontaneously replied that he had always had a desire to serve the public and that he was confident of his ability to make a contribution in this position within the short tenure.

"Dayton Nakanelua's strong desire to serve the public and his well documented background makes him an excellent candidate for Director of DLIR.

"For these reasons, Mr. President, I urge my colleagues to join me in voting in support of Governor's Message 238. Thank you."

Senator McCartney added his support and said:

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

"As chair of the Education, Labor and Employment Committee I want to say that I wholeheartedly support the nominee. I had the opportunity to meet Dayton when I too used to work for a public employees' union and got to interact with him. I can say that he truly will bring a good management style to the Department of Labor and Industrial Relations. He truly believes in the workers at the department and will empower them to do the best job possible.

"We had some discussions about what he saw the role of the DLIR to be. I think that he shares the new vision that the cold war between labor and business is over, that business and labor need to work together for Hawaii's future, not only for their own future. I really embrace that attitude and think that he'll do a good job in the months to come and wholeheartedly support his confirmation. 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 (Mizuguchi, Tungpalan).

At this time, Senator Holt introduced Mr. Dayton Nakanelua, as follows:

"Mr. President, it is an honor and privilege to introduce the new Director of the Department of Labor and Industrial Relations, Dayton Nakanelua. (Mr. Nakanelua stood to be recognized.)

"He is accompanied today by his wife Joyce, his mother Aileen, cousin Alan, and a group of friends and office staff members."

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

The Senate reconvened at 12:29 o'clock p.m.

FINAL READING

MATTERS DEFERRED FROM FRIDAY, APRIL 23, 1993

S.B. No. 1164, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1164, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," was deferred until Tuesday, April 27, 1993.

S.B. No. 1538, S.D. 1, H.D. 2:

By unanimous consent, action on S.B. No. 1538, S.D. 1, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was deferred until Tuesday, April 27, 1993.

S.B. No. 1629, S.D. 1, H.D. 1:

By unanimous consent, action on S.B. No. 1619, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," was deferred until Tuesday, April 27, 1993.

CONFERENCE COMMITTEE REPORT

Conf. Com. Rep. No. 2 (H.B. No. 1975, H.D. 2, S.D. 1, C.D. 2):

By unanimous consent, Conf. Com. Rep. No. 2 and H.B. No. 1975, H.D. 2, S.D. 1, C.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL ASSISTANCE," were recommitted to the Committee on Conference.

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 871, S.D. 1 (H.D. 2):

The President appointed Senator Kanno as an additional manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 871, S.D. 1 (H.D. 2).

S.B. No. 1126, S.D. 2 (H.D. 1):

The President discharged Senator Kobayashi, B., as a manager and appointed Senators Tungpalan and Blair as managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to S.B. No. 1126, S.D. 2 (H.D. 1).

H.B. No. 1597, H.D. 1 (S.D. 1):

The President discharged Senator Blair as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 1597, H.D. 1 (S.D. 1).

H.B. No. 2045, H.D. 1 (S.D. 2):

The President discharged Senator Blair as a manager on the part of the Senate at the conference to be held for the consideration of amendments proposed by the Senate to H.B. No. 2045, H.D. 1 (S.D. 2).

Senator Levin then recognized Senator Gaulty as follows:

"Mr. President, I want to acknowledge someone who's already been acknowledged today, but he really did an extraordinary job. Anybody who can get \$10 out of me is really doing well. Senator Gaulty deserves our thanks and congratulations on a job well done."

Senator Gaulty thanked Senator Levin and he then made the following introduction:

"Mr. President, I would like to introduce to all the Senators three people who are seated in the gallery this morning: my committee clerk Renee Leong, my legislative intern Tom Harty, and Senator Bert Kobayashi's legislative aide Heidi Brissette. (All rose to be recognized.)

"Mr. President, I couldn't have done it without them. Last but not least, Mr. President, as you may recall from last Friday, there were two Senators who stood up and said, 'We will not lose.' One of them was our Majority Leader, and we held him in abeyance in case we needed a heavyweight at the end but, fortunately, there was a heavyweight in the beginning who came through with flying colors and ordered, Mr. President, 100 50-pound bags of rice. I would like our sergeant-at-arms to make

this presentation to Senator Russell Blair -- the 'Toppest Banana' award. (A bunch of banana balloons weighted down by a 5-pound bag of rice.) This award is from our staff to Senator Blair for being the most valuable 'banana' during the Food Bank Drive campaign. Thank you, Mr. President."

Senator Blair responded:

"Mr. President, Staff Sergeant Matsuura said, 'We will not lose,' and Private Blair followed orders. Thank you."

ADJOURNMENT

At 12:34 o'clock p.m., on motion by Senator Ikeda, seconded by Senator Koki and carried, the Senate adjourned until 11:30 o'clock a.m., Tuesday, April 27, 1993.