

THIRTY-FOURTH DAY

Tuesday, March 21, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:34 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Ms. Annette Donner, Hawaii Baha'i Community, after which the Roll was called showing all Senators present with the exception of Senators Aki, Liu and McCartney who were excused.

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

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 211 to 214) were read by the Clerk and were placed on file:

Gov. Msg. No. 211, dated February 28, 1995, transmitting the 1994-1995 Report of the Hawaii Enterprise Zones Program, prepared by the Business Services Division of the Department of Business, Economic Development, and Tourism pursuant to Chapter 209E, HRS.

Gov. Msg. No. 212, dated February 13, 1995, transmitting a report prepared by the Department of Health in response to H.C.R. No. 433 (1993), requesting review and recommendations from the Director of Health on restructuring Hawaii's mental health delivery system.

Gov. Msg. No. 213, dated March 7, 1995, transmitting the Department of Labor and Industrial Relations' 1994 Annual Report, pursuant to Section 371-7, HRS.

Gov. Msg. No. 214, dated March 16, 1995, transmitting a Summary Report on Act 212, SLH 1994, and other revisions to the Executive budget.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 36 to 38) were read by the Clerk and were placed on file:

Dept. Com. No. 36, from the State Auditor dated March 16, 1995, transmitting reports, "Follow-Up Report on an Audit of the Research Corporation of the University of Hawaii" (Report No. 95-9), "Follow-Up Report on a Study of the Memorandum of Agreement for Coordinating Mental Health Services to Children" (Report No. 95-10), "Follow-Up Report on a Study of the Financing of the Small Boat Harbors and Boat Ramps Program of the Department of Land and Natural Resources" (Report No. 95-11), and "Follow-Up Report on a Study of the Department of Health's Administration of Contracts for Purchases of Service for Persons with Developmental Disabilities" (Report No. 95-12).

Dept. Com. No. 37, from the Department of Education dated March 16, 1995, transmitting a report, "Management Study of the School Repair and Maintenance Program," prepared by KPMG Peat Marwick LLP, pursuant to Act 252, Section 84.1, SLH 1994.

Dept. Com. No. 38, from the Hawaii Labor Relations Board dated March 17, 1995, transmitting the "HLRB Informational Bulletin No. 32," providing the number of public employees in each of the 13 collective bargaining units established by Section 89-6, HRS.

HOUSE COMMUNICATION

Hse. Com. No. 392, transmitting H.C.R. No. 253, which was adopted by the House of Representatives on March 17, 1995, was read by the Clerk and was placed on file.

By unanimous consent, H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING HAWAII'S DELEGATION TO THE 1995 WHITE HOUSE CONFERENCE ON SMALL BUSINESS," was referred to the Committee on Economic Development.

STANDING COMMITTEE REPORTS

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 824) recommending that H.B. No. 2013, H.D. 1, as amended in S.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2013, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION DISTRICT," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 23, 1995.

Senator Fernandes Salling, for the Committee on Transportation and Government Affairs, presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 7, H.D. 1, pass Second Reading and be referred to the Committee on Consumer Protection.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 7, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Consumer Protection.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 486, H.D. 2, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 486, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNERS LIABILITY," passed Second Reading and was referred to the Committee on Judiciary.

Senator Iwase, for the Committee on Planning, Land and Water Use Management, presented a report (Stand. Com. Rep. No. 827) recommending that H.B. No. 937, as amended in S.D. 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 937, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," passed Second Reading and was referred to the Committee on Judiciary.

Senators Iwase and Kanno, for the Committee on Planning, Land and Water Use Management and the Committee on Agriculture, Labor, and Employment, presented a joint report (Stand. Com. Rep. No. 828) recommending that H.B. No. 1789, H.D. 3, as amended

in S.D. 1, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and H.B. No. 1789, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LOWER HAMAKUA DITCH," passed Second Reading and was referred to the Committee on Ways and Means.

Senators Kanno and Holt, for the Committee on Agriculture, Labor, and Employment and the Committee on Consumer Protection, presented a joint report (Stand. Com. Rep. No. 829) recommending that H.B. No. 2133, 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 Ihara, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and H.B. No. 2133, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION REFORM," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 830) recommending that S.C.R. No. 14, as amended in S.D. 1, be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO EXAMINE THE OREGON MEDICAID WAIVER SYSTEM AND THOSE OF OTHER STATES FOR ASSISTED LIVING FACILITIES AND TO CONSIDER ITS APPLICATION TO HAWAII," was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 831) recommending that H.B. No. 1971, H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1971, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULTERATION OF DRUGS AND MEDICAL DEVICES," passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 23, 1995.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 832) recommending that H.B. No. 898, H.D. 2, pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 898, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST KAPIOLANI HEALTH CARE SYSTEMS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 833) recommending that H.B. No. 1559 pass Second Reading and be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1559, entitled: "A BILL FOR AN

ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 834) recommending that H.B. No. 1683, 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 Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1683, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A STATE COMMISSION ON HIV/AIDS," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 835) recommending that H.B. No. 1980, 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 Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 1980, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Ways and Means.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 2026 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and H.B. No. 2026, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary.

Senators Levin and Matsuura, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 837) recommending that S.C.R. No. 12, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT ALL STATE AGENCIES THAT PROVIDE SERVICES TO THE PUBLIC REVIEW THEIR SERVICE DELIVERY PROGRAMS TO ENSURE THE INCLUSION OF ALL QUALIFIED LIMITED ENGLISH AND NON-ENGLISH SPEAKING CLIENTS IN THEIR SERVICE PROGRAMS AND TO DEVELOP PLANS TO ADDRESS ANY DEFICIENCIES IDENTIFIED," was adopted.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 838) recommending that S.R. No. 27, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.R. No. 27, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING A STUDY ON THE MERITS OF ESTABLISHING A SINGLE ENTRY POINT FOR LONG TERM CARE SERVICES AND FOR DISABLED CHILDREN AND DISABLED YOUNGER ADULTS," was adopted.

Senator Matsuura, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 839)

recommending that S.C.R. No. 33, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE MERITS OF ESTABLISHING A SINGLE ENTRY POINT FOR LONG TERM CARE SERVICES AND FOR DISABLED CHILDREN AND DISABLED YOUNGER ADULTS," was adopted.

Senators Levin and Matsuura, for the Committee on Health and the Committee on Human Services, presented a joint report (Stand. Com. Rep. No. 840) recommending that S.C.R. No. 37, as amended in S.D. 1, be adopted.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ESTABLISH A HEALTH AND SOCIAL SERVICES BLOCK GRANT TASK FORCE," was adopted.

Senator Levin, for the Committee on Health, presented a report (Stand. Com. Rep. No. 841) recommending that S.C.R. No. 5, as amended in S.D. 1, be referred to the Committee on Judiciary.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the report of the Committee was adopted and S.C.R. No. 5, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A TASK FORCE TO STUDY THE MANAGEMENT AND TREATMENT OF INSANITY ACQUITTEES," was referred to the Committee on Judiciary.

Senators Matsuura and Levin, for the Committee on Human Services and the Committee on Health, presented a joint report (Stand. Com. Rep. No. 842) recommending that S.C.R. No. 31 be referred to the Committee on Ways and Means.

On motion by Senator Ihara, seconded by Senator Anderson and carried, the joint report of the Committees was adopted and S.C.R. No. 31, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO IMPLEMENT IMPROVEMENTS TO THE MEDICAID SYSTEM," was referred to the Committee on Ways and Means.

ORDER OF THE DAY

REFERRAL OF SENATE CONCURRENT RESOLUTIONS

The Chair referred the following Senate concurrent resolutions that were offered:

Senate
Concurrent
Resolution

Referred to:

No. 261 Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 262 Committee on Planning, Land and Water Use Management

No. 263 Jointly to the Committee on Judiciary and the Committee on Hawaiian Affairs, then to the Committee on Ways and Means

No. 264 Committee on Housing, then to the Committee on Ways and Means

No. 265 Committee on Transportation and Government Affairs

No. 266 Jointly to the Committee on Transportation and Government Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 267 Committee on Ecology and Environmental Protection

No. 268 Jointly to the Committee on Economic Development and the Committee on Higher Education, Culture, and Arts

No. 269 Jointly to the Committee on Health and the Committee on Economic Development

No. 270 Jointly to the Committee on Health and the Committee on Economic Development

No. 271 Committee on Planning, Land and Water Use Management

No. 272 Committee on Tourism and Recreation

No. 273 Committee on Health, then to the Committee on Ways and Means

No. 274 Committee on Planning, Land and Water Use Management

No. 275 Committee on Tourism and Recreation, then to the Committee on Ways and Means

No. 276 Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 277 Committee on Housing

No. 278 Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Ways and Means

No. 279 Committee on Agriculture, Labor, and Employment

No. 280 Committee on Hawaiian Affairs, then to the Committee on Planning, Land and Water Use Management

No. 281 Committee on Tourism and Recreation

No. 282 Committee on Communications and Public Utilities, then to the Committee on Ways and Means

No. 283 Committee on Agriculture, Labor, and Employment

No. 284 Committee on Housing, then to the Committee on Judiciary

No. 285 Committee on Higher Education, Culture, and Arts

No. 286 Committee on Planning, Land and Water Use Management

No. 287 Jointly to the Committee on Ecology and Environmental Protection and the Committee on

Transportation and Government Affairs, then to the Committee on Planning, Land and Water Use Management

No. 288 Committee on Transportation and Government Affairs

No. 289 Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 290 Committee on Judiciary

No. 291 Jointly to the Committee on Transportation and Government Affairs and the Committee on Planning, Land and Water Use Management

No. 292 Committee on Planning, Land and Water Use Management

No. 293 Committee on Consumer Protection

No. 294 Committee on Ecology and Environmental Protection, then to the Committee on Transportation and Government Affairs

No. 295 Committee on Ecology and Environmental Protection

No. 296 Committee on Housing

No. 297 Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 298 Committee on Economic Development

No. 299 Committee on Consumer Protection

No. 300 Committee on Agriculture, Labor, and Employment

No. 301 Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 302 Committee on Tourism and Recreation

No. 303 Committee on Judiciary

No. 304 Committee on Agriculture, Labor, and Employment, then to the Committee on Judiciary

No. 305 Committee on Agriculture, Labor, and Employment

No. 306 Committee on Higher Education, Culture, and Arts

No. 307 Committee on Higher Education, Culture, and Arts

No. 308 Committee on Judiciary

REFERRAL OF SENATE RESOLUTIONS

The Chair referred the following Senate resolutions that were offered:

Senate Resolution Referred to:

No. 225 Committee on Transportation and Government Affairs, then to the Committee on Ways and Means

No. 226 Committee on Planning, Land and Water Use Management

No. 227 Committee on Transportation and Government Affairs

No. 228 Jointly to the Committee on Transportation and Government Affairs and the Committee on Judiciary, then to the Committee on Ways and Means

No. 229 Committee on Ecology and Environmental Protection

No. 230 Jointly to the Committee on Economic Development and the Committee on Higher Education, Culture, and Arts

No. 231 Jointly to the Committee on Health and the Committee on Economic Development

No. 232 Jointly to the Committee on Health and the Committee on Economic Development

No. 233 Committee on Planning, Land and Water Use Management

No. 234 Committee on Tourism and Recreation

No. 235 Committee on Health, then to the Committee on Ways and Means

No. 236 Committee on Planning, Land and Water Use Management

No. 237 Committee on Higher Education, Culture, and Arts, then to the Committee on Ways and Means

No. 238 Committee on Housing

No. 239 Committee on Agriculture, Labor, and Employment

No. 240 Committee on Hawaiian Affairs, then to the Committee on Planning, Land and Water Use Management

No. 241 Committee on Tourism and Recreation

No. 242 Committee on Communications and Public Utilities, then to the Committee on Ways and Means

No. 243 Committee on Transportation and Government Affairs

No. 244 Committee on Hawaiian Affairs, then to the Committee on Judiciary

No. 245 Jointly to the Committee on Transportation and Government Affairs and the Committee on Planning, Land and Water Use Management

No. 246 Committee on Planning, Land and Water Use Management

No. 247 Committee on Ecology and Environmental Protection, then to the Committee on Transportation and Government Affairs

No. 248 Committee on Ecology and Environmental Protection

No. 249 Committee on Housing

No. 250	Committee on Economic Development
No. 251	Committee on Consumer Protection
No. 252	Committee on Agriculture, Labor, and Employment
No. 253	Committee on Hawaiian Affairs, then to the Committee on Judiciary
No. 254	Committee on Tourism and Recreation
No. 255	Committee on Judiciary
No. 256	Committee on Agriculture, Labor, and Employment, then to the Committee on Judiciary
No. 257	Committee on Agriculture, Labor, and Employment
No. 258	Committee on Higher Education, Culture, and Arts
No. 259	Committee on Higher Education, Culture, and Arts

RE-REFERRAL OF HOUSE BILL

The President re-referred the following House bill that was received:

House Bill	Referred to:
No. 1800, H.D. 1	Committee on Education, then to the Committee on Judiciary

**RE-REFERRAL OF
SENATE CONCURRENT RESOLUTIONS**

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

Senate Concurrent Resolution	Referred to:
No. 42	Committee on Economic Development
No. 137	Committee on Ecology and Environmental Protection
No. 226	Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Agriculture, Labor, and Employment

RE-REFERRAL OF SENATE RESOLUTIONS

The President re-referred the following Senate Resolutions that were offered:

Senate Resolution	Referred to:
No. 35	Committee on Economic Development
No. 120	Committee on Ecology and Environmental Protection
No. 196	Jointly to the Committee on Planning, Land and Water Use Management and the Committee on Agriculture, Labor, and Employment
No. 212	Jointly to the Committee on Economic Development and the Committee on Communications and Public Utilities

Senator Baker rose on a point of personal privilege and stated:

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

"Mr. President, for the past week or so, the people of Hawai'i have been inundated by an almost daily barrage of accusations and counteraccusations being fired between the administration and members of this body. Although all of us are extremely sensitive to the seriousness of the legal and legislative issues involved in this controversy, it obviously does no one any good to continue the acrimonious name-calling in the media.

"Mr. President, through it all, the work of the people continues. And it behooves us to demonstrate to the public our resolve to address the issues before this Legislature. For indeed, we are in the midst of one of the most challenging legislative sessions in recent memory.

"To this end, Mr. President, I wish to acknowledge your role in mediating this thorny issue. Cool heads and common sense must prevail if substantive progress is to be made in this year's pressure cooker session. By stepping into the fray to talk to the governor to assure him that his nominees will indeed receive a fair and timely hearing, then working with our Senate colleagues to develop a reasonable timetable to review the executive appointments, you have gotten the process back on track. Your actions, I believe, will put this unseemly issue to rest.

"Mr. President, as you reminded us all, it is time to turn our full attention to the work at hand. Mahalo."

Senator Solomon also rose on a point of personal privilege as follows:

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

"Mr. President, over the last week we have seen attempts by the governor to strong-arm the Senate in performing its confirmation duties.

"I remind my colleagues that the Senate's power of confirmation, a power that has its genesis with the beginnings of the United States Constitution, is a power that must be zealously safeguarded.

"I believe, Mr. President, it was Alexander Hamilton, one of the Founding Fathers, writing in the Federalists Papers, who said of the United States Senate's confirmation powers on April 1, 1788:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon ... the president, and would tend greatly to prevent the appointment of unfit characters"

"Hamilton went on to write:

"It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclination and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing."

"What we have before us, Mr. President, is an issue that runs to the heart of the American system of

government, after which our state government is patterned. It runs to the heart of our system of separation of powers and checks-and-balances, of which the Senate -- through its confirmation powers -- is such an important part.

"Attempts to stampede the Senate's deliberative process by calling for hastened decisions to allow the directors to get on with the process of running the departments ignores the fundamental requirements of the confirmation process. It is our duty -- not right -- but duty, to hold hearings to inquire into the ability of these individuals to manage their departments. I quote Rule 17 of the Senate Rules: 'Committee on Executive and Judicial Appointments, whose scope shall be to review the background, character, experience, and qualifications of nominees ..., and make appropriate recommendations to the Senate.' And that is what we are trying to do in our hearings. Many of them have little, if any, managerial background, and yet the Governor says we are asking 'nit picking' questions regarding their management capabilities. Mr. President, departments do not come with training wheels.

"As a result of our so-called 'nit picking,' three out of the four possible directors have serious questions they need to answer to the committee's satisfaction.

"Ms. Kathryn Matayoshi came to us with a known conflict with the Hawaiian Electric Company. She states she will handle that conflict by not participating in proceedings that involve the Hawaiian Electric Company, and in fact, will let her deputy cover this area. As far as the committee could glean, the Director of Commerce and Consumer Affairs would not know how the deputy would handle a problem in this area, and yet your committee does not confirm the deputy. Something is wrong here, Mr. President.

"Ms. Lorraine Akiba tells us in the hearing that the workers' compensation law is okay and does not require much change. She tells us that there is a lot of agreement among the parties. Mr. President, one of the most important pieces of legislation we are working on this session will be workers' compensation reform, and I might add there is little agreement among the parties on many of the important issues. More and more people in business are coming to me and saying that Ms. Akiba does not want to hear their side of the story -- that they can't get a fair hearing.

"Mr. Seiji Naya was unable to appropriately answer questions regarding the Auditor's findings concerning the acceptance of gifts by people whom he will supervise.

"Mr. President, these are not 'nit picking' issues; these questions are the heart of the confirmation process.

"To quote Federalists Paper No. 76 again, confirmation 'would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. And, in addition to this, it would be an efficacious source of stability in the administration.'

"It is apparent, from what my staff gather, that there is little understanding of our confirmation process. Starting this year, unlike previous years, all Senate committees have publicly posted decision-making sessions at which time any legislative matter (including confirmations) handled by the committee is voted on. There are official tally sheets on which each committee member present shall be tallied as aye, aye with reservation, nay, or excused. This record of votes is to be attached to the committee report of each hearing. Therefore, insofar as

my committee is concerned, we have no recommendations to make to this body on the nominees because we had not had any decision-making sessions as yet. The process is not completed.

"Mr. President, I wish to make another point. To get away from the rubber stamp and old boy cronyism syndrome, my staff and I have tried to make my committee more meaningful. From last December we began our work. To have more public input we compiled a mailing list of interested parties for each nominee and sent them hearing notices. This amounted to, in some cases, 200 letters per nominee.

"We also reviewed the Legislative Auditor's Reports of the past few years on each nominee's department. In most cases the Auditor presented recommendations and our committee questioned the nominees on the recommendations.

"Early on, I sent memos to the President of the Senate and the Speaker of the House to ask for input from the respective bodies for any matter concerning the nominees. Also, my staff provided each member of the EJA Committee the plan of organization and the main functions of each department.

"Furthermore, we included parts of our Constitution and the Senate Rules relating to duties of my committee.

"Mr. President, my staff and I worked very diligently to make the confirmation process meaningful. Let's not make our hard work go to waste. Let's go forward. Imua.

"To quote the Governor when he was a Senator in 1985, regarding the Mike Lilly appointment, 'The executive has no business interfering with ours.' Let us get on with the process, Mr. President. Thank you."

At 11:47 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:50 o'clock a.m.

At this time, Senator Solomon, chair of the Committee on Executive and Judicial Appointments, requested a waiver of the 72-hour Notice of a Public Hearing on Gov. Msg. No. 127, Gov. Msg. No. 131, Gov. Msg. No. 136, Gov. Msg. No. 137, Gov. Msg. No. 142 and Gov. Msg. No. 144, and the Chair granted the waiver.

ADJOURNMENT

At 11:51 o'clock a.m., on motion by Senator Ihara, seconded by Senator Anderson and carried, the Senate adjourned until 11:30 o'clock a.m., Wednesday, March 22, 1995.