

FIFTY-SECOND DAY

Wednesday, April 19, 1995

The Senate of the Eighteenth Legislature of the State of Hawaii, Regular Session of 1995, convened at 11:32 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by President Ali Kahn, Muslim Association of Hawaii, after which the Roll was called showing all Senators present with the exception of Senator Fernandes Salling who was excused.

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

The following introductions were made to the members of the Senate:

Senator Kawamoto introduced Guy Yamamoto, a recipient of the Pride in Waipahu Athletics Award in recognition of his many achievements in golf. Mr. Yamamoto was presented a Senate certificate by Senator Bunda and a lei by Senator Baker.

Senator Bunda introduced the members and coaches of the Leilehua High School Varsity Wrestling Team and congratulated them on winning the 1995 State Wrestling Championship. The team was presented a congratulatory Senate certificate and all of the members and coaches received leis.

Senator Chumbley then introduced five recipients of the Milken Family Foundation National Educator Award. All of the guests were presented Senate certificates and leis by various Senators.

Senator Solomon, on behalf of Senators Levin and Matsuura, introduced and commended Detective Brad Ballesteros for his outstanding work with the State of Hawaii Youth Gang Response System and his service to the youth of Hawaii. Detective Ballesteros was presented a Senate certificate and lei by Senator Solomon.

Senator Holt, as a tribute to Mary Abigail Kawena Puku'i, one of Hawaii's greatest authorities and a legacy in herself on Hawaiian language, poetry, and culture, presented a certificate to the Bishop Museum, on this, the 100th anniversary of her birth.

At 11:49 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:59 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 365 to 367) were read by the Clerk and were placed on file:

Gov. Msg. No. 365, informing the Senate of the withdrawal of the nomination of NORMAN H. OKAMURA, Ph.D., from the Board of Directors, High Technology Development Corporation, under Gov. Msg. No. 234, dated March 23, 1995.

In compliance with Gov. Msg. No. 365, the nomination listed under Gov. Msg. No. 234 was returned.

Gov. Msg. No. 366, informing the Senate of the withdrawal of the nomination of AILEEN F. SAITO from the State Highway Safety Council, under Gov. Msg. No. 301, dated April 11, 1995.

In compliance with Gov. Msg. No. 366, the nomination listed under Gov. Msg. No. 301 was returned.

Gov. Msg. No. 367, informing the Senate of the withdrawal of the nomination of EMELIE L. RAUSCHENBURG from the State Council on Mental Health, under Gov. Msg. No. 316, dated April 11, 1995.

In compliance with Gov. Msg. No. 367, the nomination listed under Gov. Msg. No. 316 was returned.

SENATE CONCURRENT RESOLUTION

The following concurrent resolution (S.C.R. No. 309) was read by the Clerk and was disposed of as follows:

Senate Concurrent Resolution

No. 309 "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RETURN SENATE BILL NO. 1699, SENATE DRAFT 2, TO THE LEGISLATURE TO RECONSIDER ACTION TAKEN."

Offered by: Senator Baker.

On motion by Senator Ihara, seconded by Senator Liu and carried, S.C.R. No. 309 was adopted.

STANDING COMMITTEE REPORTS

Senator Ige, for the Committee on Higher Education, Culture, and Arts, presented a report (Stand. Com. Rep. No. 1487) recommending that H.C.R. No. 87, H.D. 1, as amended in S.D. 1, be adopted.

On motion by Senator Ige, seconded by Senator Ihara and carried, the report of the Committee was adopted and H.C.R. No. 87, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DECLARE ONE WEEK IN APRIL OF EVERY YEAR AS 'STATE OF HAWAII ARCHAEOLOGY WEEK'," was adopted.

Senator Solomon, for the Committee on Executive and Judicial Appointments, presented a report (Stand. Com. Rep. No. 1488) recommending that the Senate advise and consent to the nominations of the following:

COLBERT M. MATSUMOTO to the Board of Land and Natural Resources, in accordance with Gov. Msg. No. 177;

BRIAN L. SEN to the Board of Trustees, Deferred Compensation Plan, in accordance with Gov. Msg. No. 226;

GABRIELLE BEMIS BATZER, M.D., AMY I. ESAKI, THOMAS H. KAAIAI, JR., GEORGE W. READ, PH.D., and THEODORE I. SAKAI to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances, in accordance with Gov. Msg. No. 227;

GARY M. TAKAHASHI, and THEODORE J. YAP to the Elevator Mechanics Licensing Board, in accordance with Gov. Msg. No. 228;

KOREN K. KUBOTA to the Board of Trustees, Employees' Retirement System, in accordance with Gov. Msg. No. 229;

RITVA SINIKKA HAYASAKA, GEORGE BUTTERFIELD, JOAN C. ISHIBASHI and JOHN J.

WITECK to the Hawaii Public Employees Health Fund, in accordance with Gov. Msg. No. 230;

SANDRA K.M. ALBANO, WAYNE K. KATAYAMA, DONN J. TAKAHASHI, CHA THOMPSON and GAE BERGQUIST TROMMALD to the Hawaii Tourism Marketing Council, in accordance with Gov. Msg. No. 231;

LIBBY PULELEHUA OSHIYAMA, ALAN T. SUYAMA, M.D., and LILY H. YAMASHIRO to the Board of Health, in accordance with Gov. Msg. No. 232;

MARY NORMA ALLISON, EDWIN S. MATSUI, ROY R. KAMISATO and JACQUELINE KOMO MURAI to the Board of Hearing Aid Dealers and Fitters, in accordance with Gov. Msg. No. 233;

THOMAS I. FUJIKAWA and RICHARD A. MOODY, to the Board of Directors, High Technology Development Corporation, in accordance with Gov. Msg. No. 234;

ALIKA W. WINCHESTER and ANGEL RAMOS to the Board of Human Services, in accordance with Gov. Msg. No. 235;

CRAIG AARON NEFF and BRIAN MISKAE to the Kaho'olawe Island Reserve Commission, in accordance with Gov. Msg. No. 236;

HAROLD H. MEHEULA, SR. to the Kaneohe Bay Regional Council, in accordance with Gov. Msg. No. 237;

MARK S. OSHIO, IVAN I. NAKANO and LEILA C. TANAKA to the Motor Vehicle Industry Licensing Board, in accordance with Gov. Msg. No. 238;

TAREN TAGUCHI and SUSUMU MAEDA to the Motor Vehicle Repair Industry Board, in accordance with Gov. Msg. No. 239;

ROBERT A. KINZIE III, Ph.D. and LINDA W. PRATT to the Natural Area Reserves System Commission, in accordance with Gov. Msg. No. 240;

FAITH Y. LEBB to the Board of Examiners in Naturopathy, in accordance with Gov. Msg. No. 241;

MARK S. TERUYA, O.D., NELSON O. YOSHIOKA, JR., O.D., BARBARA J. DIRKS, O.D. and MILTON N. HIGA to the Board of Examiners in Optometry, in accordance with Gov. Msg. No. 242;

RONALD Y. FUJIMOTO, D.O. to the Board of Osteopathic Examiners, in accordance with Gov. Msg. No. 243;

JASON MOON and KENT KOIKE to the Board of Pharmacy, in accordance with Gov. Msg. No. 244; and

WAYNE G. CARVALHO to the Board of Private Detectives and Guards, in accordance with Gov. Msg. No. 245.

In accordance with Senate Rule 36(5), action on Stand. Com. Rep. No. 1488 and Gov. Msg. Nos. 177, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244 and 245 was deferred until Thursday, April 20, 1995.

ORDER OF THE DAY

MATTERS DEFERRED FROM

TUESDAY, APRIL 18, 1995

ADOPTION OF RESOLUTION

Stand. Com. Rep. No. 1481 (H.C.R. No. 219):

On motion by Senator Matsuura, seconded by Senator Grauly and carried, the report of the Committee was adopted and H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO CONVENE A WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH IN 1996," was adopted.

AGREE/DISAGREE

S.C.R. No. 78, H.D. 1 (Hse. Com. No. 682):

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 78, seconded by Senator Grauly and carried.

On motion by Senator Matsuura, seconded by Senator Grauly and carried, S.C.R. No. 78, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN TITLE III, NUTRITION SERVICES FUNDING AND OTHER SUPPORTIVE SERVICES WITHIN THE OLDER AMERICANS ACT," was finally adopted.

At 12:01 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:02 o'clock p.m.

S.C.R. No. 193, H.D. 1 (Hse. Com. No. 683):

Senator Matsuura moved that the Senate agree to the amendments proposed by the House to S.C.R. No. 193, seconded by Senator Grauly and carried.

On motion by Senator Matsuura, seconded by Senator Grauly and carried, S.C.R. No. 193, H.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING INTERAGENCY COMMITMENT TO REMOVING BARRIERS TO COMMUNITY-BASED EFFORTS TO ADDRESS ISSUES OF TEEN PREGNANCY PREVENTION AND TEEN PARENTING," was finally adopted.

ADVISE AND CONSENT

Stand. Com. Rep. No. 1482 (Gov. Msg. No. 132):

Senator Solomon moved that Stand. Com. Rep. No. 1482 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of KATHRYN S. MATAYOSHI as Director of Commerce and Consumer Affairs, term to expire December 7, 1998, seconded by Senator Holt.

Senator Solomon rose in support of the nomination as follows:

"Mr. President, I'm speaking in support of Gov. Msg. No. 132.

"Mr. President, I'm going to urge my colleagues to please vote in the positive for Ms. Matayoshi. Her commitment to public service is indicated through her goal of making the department a customer-focused organization, through the use of advanced technology, streamlining and updating departmental regulations, developing a staff work ethic focused on customer service,

and increasing consumer education and enforcement efforts.

"Testimony, Mr. President, was very much in support of the nominee and indicated that Ms. Matayoshi is well-regarded among the legal community, small businesses, and the corporate business community. Based upon the testimony presented, she is also acknowledged for her wonderful qualities in terms of being an excellent leader and her ability to communicate well with her staff, and of course, her management skills are unquestionable.

"As you know, Mr. President, your committee diligently questioned the nominee regarding her administrative qualifications, her visions and priorities for the Department of Commerce and Consumer Affairs, and most importantly, Mr. President, your committee was especially concerned about the appearance of conflict which could be perceived by the public regarding Ms. Matayoshi's previous employment with the Hawaiian Electric Company. Be assured, Mr. President, that your committee is now convinced that Ms. Matayoshi would be able to conduct the business of that department with the utmost integrity.

"Mr. President, your committee also acknowledges that the Ethics Commission has submitted a written opinion finding no conflict of interest in the appointment of Ms. Matayoshi as she has divested herself of all financial interest in the company assets of her previous employer.

"With that, Mr. President, again I urge my colleagues to vote in the affirmative. Thank you."

Senator McCartney also rose in support of the nominee as follows:

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

"Mr. President, this confirmation is a very important decision for the body to make because the department that the director will represent really represents the public, the little guy. It's a check on industries to protect the public and consumer. It is a very important and significant position and I would like to just reflect on what happened during the confirmation process. I think it shows the individual's character even though the Ethics Commission ruled that there is no conflict. However, through the confirmation process she went beyond the expected to assure the public that she would avoid any other appearance of impropriety or conflict in the future by refusing to work for her former employer for two years after she left public service. And I think that is a testament to her character and her real willingness to serve the public and do what is right for the people of Hawaii. I think she needs to be commended for that and I urge all members to support her.

"The other reason why I urge members to support her, on a lighter note, is that every morning I get to see her husband Todd at Waolani Judd Preschool. And we have something very much in common because we're always the two latest to drop off our kids. And we're usually there about 15 or 20 minutes after school starts, so I know how rough it is to serve the public and raise a family. And it's great that she has a husband who at least tries to get their child there on time like I try to get my child there on time, but we never really make it. So I have a lot of sympathy for you and I would like to also say that I feel good that I'm not the only one who is always late.

"Thank you."

Senator Fukunaga also rose in support of the nomination as follows:

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

"I would like to primarily echo the remarks of the prior speakers. And certainly in our Communications and Public Utilities Committee's deliberations, I would like to attest to Kathy's scrupulous adherence to that 'bright line' alluded to during the confirmation hearings and to say that during all of the issues that we have taken up involving utilities to date, the department's and consumer advocates's representation of consumer interests on HEI matters has been absolutely impeccable. And for those reasons, I would urge our colleagues to vote in support of this nomination.

"Thank you."

Senator Liu rose in support of the nominee as follows:

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

"To underscore the remarks of the previous speaker from the windward side as well as the chair of the committee, I would like to underscore that as much as the nominee should be commended for her acts, it was also very much the process, the confirmation process, and the members of the committee which resulted in, I think, a precedent setting and a very positive kind of outcome on the issue of appearance of conflicts of interest for which I think the chair should be commended. The committee has been wrongly criticized by various sources for being nit-picking or perhaps not being judicious in its approach, but I think the outcome of this situation indicates a constructive kind of situation that is good for the public and good for the process.

"Thank you, Mr. President."

Senator Matsuura rose in support of the nominee and said:

"Mr. President, I also rise in support of the nominee.

"I'm, to a large extent, fortunate because I do know the Matayoshi family. I know her parents. And usually when you look at these nominees you wonder about their credibility, whether or not they are going to be fair and just. I can attest that Kathy grew up in an environment with the nurture of good parents and I don't have any doubt whatsoever that she is going to do a very good job, very ethical, very fair and just. And I urge all my colleagues to support her.

"Thank you very much."

Senator Holt also rose in support and stated:

"Mr. President, speaking in support of the nominee and as chairman of the committee that has to deal with a lot of the affairs that the director has to bring forward to us, I would just like to say that I found her to be very responsive and accountable. Her staff has been very helpful in providing information to the committee. We have a good working relationship.

"I feel that what she did in the confirmation hearings went a little overboard trying to accommodate concerns that were being addressed regarding conflict of interest. However, the committee did feel that this bright line test was something that was not appropriate and we recommended rejection of it because we felt that she should be held accountable. The Ethics Commission had

cleared her and if there was any issue that related to Hawaiian Electric, she would recuse herself and that matter would be taken up by the Governor. With that understanding I wholeheartedly support her nomination and ask everyone here to support her as well.

"Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1483 (Gov. Msg. No. 259):

Senator Solomon moved that Stand. Com. Rep. No. 1483 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of JOHN S. W. LIM for Seventh Judge of the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Holt.

Senator Solomon rose in support of the nominee as follows:

"Mr. President, I rise to speak in support of Gov. Msg. No. 259.

"Mr. President, testimony in support of the nominee submitted to your committee indicated that Judge Lim possesses superior legal skills as well as the necessary character and integrity to render fair and just decisions.

"Your committee members diligently questioned the nominee regarding his skills and practices and the committee believes that the nominee adequately responded to the committee's inquiries. Your committee also acknowledges that Judge Lim has limited experience on the district court; however, your committee believes that his broad life experiences lend an additional positive factor which Judge Lim would draw upon during his deliberations in the Circuit Court.

"With this, Mr. President, I'm asking all my colleagues to vote in the affirmative.

"Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1484 (Gov. Msg. No. 260):

Senator Solomon moved that Stand. Com. Rep. No. 1484 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of SABRINA S. MCKENNA for Twenty-Second Judge of the Circuit Court of the First Circuit, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Holt.

Senator Solomon rose in support of the nomination and said:

"Mr. President, I'm rising in support of Gov. Msg. No. 260.

"Mr. President, Judge McKenna's other professional activities include moot court judge, instructor and trainer in mediation, and legal secretarial training in the College of Business Administration. She serves as a volunteer board member for the Hawaii Women Lawyers, Hawaii Lawyers Care and the Honolulu County Committee on the Status of Women.

"Your committee believes, Mr. President, that testimony received from those who came to support Judge McKenna and also from herself indicates that Judge McKenna possesses superior legal skills as well as the necessary character and integrity to render fair and just decisions.

"We questioned the nominee and we believe that Judge McKenna, although she too has limited experience in the District Court, we believe that her broad life experiences lend an additional positive factor which Judge McKenna will draw upon during her deliberations in the Circuit Court.

"With this, Mr. President, I am asking my colleagues for an affirmative vote. Thank you."

Senator Taniguchi also rose in support of the nominee as follows:

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

"Mr. President, Sabrina McKenna worked for me when I was a young, idealistic House member many, many years ago. She is hard-working, intelligent, extremely well-rounded and very personable. She has served ably as a District Court judge and I believe she will make a very competent Circuit Court judge. I am very proud of her and ask that all the members support her nomination. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

Stand. Com. Rep. No. 1485 (Gov. Msg. No. 261):

Senator Solomon moved that Stand. Com. Rep. No. 1485 be received and placed on file, seconded by Senator Holt and carried.

Senator Solomon then moved that the Senate advise and consent to the nomination of WALTER S. KIRIMITSU for Associate Judge of the Intermediate Appellate Court, for a term of ten years, in accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, seconded by Senator Holt.

Senator Solomon rose in support of the nomination and said:

"Mr. President, I rise to speak in support of Gov. Msg. No. 261.

"Mr. President, many of us here all know Walter on a personal level and we know of all the many wonderful things that he has done, not only in his profession but also in terms of his community affiliations and his good work with the Keiki Hearts Foundation and his many, many affiliations with the different chambers and so on.

"Mr. President, I think Walter is doing a tremendous favor to the people of Hawaii by accepting these responsibilities. In his life and in his career, I think that he will be a person of integrity and be able to help and advise not only the Judiciary but the Legislature, as we strive to make Hawaii a better place for all of us.

"With this, Mr. President, I urge an affirmative vote. Thank you."

Senator Kawamoto also rose in support of the nominee and said:

"Mr. President, I rise to speak in favor of the nominee, and disclose a possible conflict.

"Mr. Kirimitsu, or 'Kiri' as many of us affectionately call him, has been a close and dear friend of our family for 35 years. He and his wife May are godparents to my first-born, who bears the name Walter after Mr. Kirimitsu.

"Mr. President, when the Governor selected Mr. Kirimitsu to be a new Appellate Court judge, there was no better or greater selection. 'Kiri' has been an outstanding member of society. His professional integrity in dealing with people is above reproach. I have been associated with him for 35 years and have never seen him angry or have any animosity to anyone.

"Mr. President, we have found a true gem in Walter Kirimitsu and it is with great, great honor that I am able to cast a vote for 'Kiri' to confirm him as an Appellate Court judge. I urge all my colleagues to do the same. He will make us all proud as a member of the Appellate Court.

"Thank you, Mr. President."

Senator Matsuura also rose in support and said:

"Mr. President, I rise in support of this nomination.

"You know of my categories of very good, fairly good, and not-so-good. When I look at lawyers and try to place them into these categories, you all know my evaluation of lawyers. If I had another category above the very good, Walter Kirimitsu would be a candidate for that category. He's not only a good lawyer, but he is a good person. That's the key. He's fair and has a lot of common sense. I have to admit that Walter is a devout devotee of the 'samurai'. He reminds me of Toyama Kinsan. I wish all the lawyers would be like him in the State of Hawaii, then I would have no problem with lawyers.

"Thank you."

Senator Holt rose in support and said:

"Mr. President, I'm speaking in support of the nominee.

"I'd like to echo the sentiments by the previous speakers and just add one note. I did have a concern in the committee and expressed it to Mr. Kirimitsu and that was of him being a St. Louis graduate, (and Judge Burns was sitting in the audience) and that he make a commitment not to recruit all the blue chip athletes from Pearl City and Kalihi to St. Louis and leave some for Kamehameha.

"Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

At this time, Kathryn Matayoshi, John Lim, Sabrina McKenna and Water Kirimitsu rose to be recognized and were escorted to the floor of the Senate where they were congratulated by the members of the Senate.

At 12:21 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:26 o'clock p.m.

Stand. Com. Rep. No. 1486 (Gov. Msg. Nos. 168, 169, 170, 171, 172, 173, 174, 175, 176, 180, 203, 204, 205, 206, 207, 210, 218, 219, 220, 221, 222, 223, 224 and 225):

Senator Solomon moved that Stand. Com. Rep. No. 1486 be received and placed on file, seconded by Senator Holt and carried.

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

MAURE BERNABE to the Governor's Advisory Council for Children and Youth, term to expire June 30, 1997, (Gov. Msg. No. 168);

JACK LAW to the Civil Rights Commission, term to expire June 30, 1996 (Gov. Msg. No. 169);

GLADYS M. KOTAKI to the Civil Service Commission, terms to expire June 30, 1995, and June 30, 1999 (Gov. Msg. No. 170);

RICHARD C. BOTTI, GENE BURK, Ph.D., JANIE DEUSER, CORBETT A. K. KALAMA, C. KEVIN MCCRARY and GENEVIEVE K. Y. SALMONSON to the Clean Hawaii Center Governing Board, terms to expire June 30, 1996 (Gov. Msg. No. 171);

TODD K. INAFUKU to the Drug Product Selection Board, term to expire June 30, 1998 (Gov. Msg. No. 172);

WAYNE MATSUO to the Hawaii Community Development Authority, term to expire June 30, 1996 (Gov. Msg. No. 173);

STEPHEN E. GOMES to the Board of Directors of the Hawaii Hurricane Relief Fund, term to expire June 30, 1997 (Gov. Msg. No. 174);

PHILIP JOSEPH BOSSERT, Ph.D., to the Board of Directors of the Hawaii Information Network Corporation (Hawaii Inc.), term to expire June 30, 1996 (Gov. Msg. No. 175);

ROSE MARIE H. DUEY to the Board of Human Services, term to expire June 30, 1995 (Gov. Msg. No. 176);

ALFRED WONG to the Commission on Transportation, term to expire June 30, 1999 (Gov. Msg. No. 180);

WILLIAM D. HOSHIJO to the Civil Rights Commission, term to expire June 30, 1999 (Gov. Msg. No. 203);

AGNES P. PERREIRA to the Civil Service Commission, term to expire June 30, 1999 (Gov. Msg. No. 204);

JEFF J. COELHO to the Convention Center Authority, term to expire June 30, 1999 (Gov. Msg. No. 205);

JUDY SOBIN to the Criminal Injuries Compensation Commission, term to expire June 30, 1999 (Gov. Msg. No. 206);

MEYER M. UEOKA to the Education Commission of the States, term to expire June 30, 1998 (Gov. Msg. No. 207);

ROSS K. KAGAWA to the Stadium Authority, term to expire June 30, 1996 (Gov. Msg. No. 210);

RONALD C. WO to the Board of Directors, Aloha Tower Development Corporation, term to expire June 30, 1999 (Gov. Msg. No. 218);

BARBARA M. KOKUBUN to the Board of Barbers, term to expire June 30, 1999 (Gov. Msg. No. 219);

EIICHI JUMAWAN to the State Boxing Commission of Hawaii, term to expire June 30, 1999 (Gov. Msg. No. 220);

LINDSEY J. KIMURA, D.C., to the State Board of Chiropractic Examiners, term to expire June 30, 1999 (Gov. Msg. No. 221);

GABRIEL K. KILAKALUA JR. and ALBERT "BENNY" RODERO to the Civil Defense Advisory Council, terms to expire June 30, 1999 (Gov. Msg. No. 222);

EDNA H. KANO to the Board of Cosmetology, term to expire June 30, 1999 (Gov. Msg. No. 223);

BARTON M. SAXTON, RALPH Y. FUJINAKA, MILTON W. Y. LUM to the Credit Union Review Board, terms to expire June 30, 1999 (Gov. Msg. No. 224); and

PAULA ZOE HELFRICH to the State Foundation on Culture and the Arts, term to expire June 30, 1998 (Gov. Msg. No. 225),

seconded by Senator Holt.

Senator Solomon rose in support of all the nominees as follows:

"Mr. President, speaking in support of the other Governor's Messages, which as you see are quite extensive, be assured that each person that came before the committee, the committee diligently questioned the nominees and we find that the aforementioned nominees are volunteers, willing to serve without compensation and to work with compassion and commitment to assist various government functions. The nominees have been appointed based upon their credentials, integrity and a desire to make Hawaii better through their participation on the respective board or commission to which they have been appointed.

"With that Mr. President, I'm urging all my colleagues to vote in the affirmative. Thank you."

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

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

FINAL READING

S.B. No. 1218, S.D. 1, H.D. 1:

On motion by Senator Kanno, seconded by Senator Ihara and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1218, S.D. 1, and S.B. No. 1218, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 1567, S.D. 1, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1567, S.D. 1, and S.B. No. 1567, S.D. 1, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED CHECKS," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

S.B. No. 1573, S.D. 2, H.D. 1:

On motion by Senator Ikeda, seconded by Senator Baker and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 1573, S.D. 2, and S.B. No. 1573, S.D. 2, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER REFERENCES IN CHAPTER 231, HAWAII REVISED STATUTES," having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 24. Noes, none. Excused, 1 (Fernandes Salling).

RE-REFERRAL OF HOUSE CONCURRENT RESOLUTION

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

House
Concurrent
Resolution

Referred to:

No. 150, H.D. 1 Committee on Education

Senator Baker, on behalf of the Senate, extended Happy Birthday wishes to Senator Ihara.

At this time, Senator Ige, for the Committee on Higher Education, Culture, and Arts, requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 124, H.C.R. No. 137, H.C.R. No. 145 and H.C.R. No. 160, and the Chair granted the waiver.

Senator Chumbley, for the Committee on Education, also requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 53, H.C.R. No. 150, H.C.R. No. 233 and H.C.R. No. 234, and the Chair granted the waivers.

Senator Grauly, for the Committee on Judiciary, then requested a waiver of the required hours of notice for a public hearing on H.C.R. No. 223, H.C.R. No. 195 and H.C.R. No. 50, and the Chair granted the waivers.

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

"Mr. President, I'd Like to rise on a point of personal privilege.

"Mr. President, I want to thank the Minority Leader for his remarks regarding the process in which your Committee on Executive and Judicial Appointments has developed and we have been using as we go through, it seems, the exhaustive list that the executive has sent down.

"But also, Mr. President, I really would like to note for the record that I as Chair of the committee appreciate the diligent work of the committee members. We took a lot of time developing a format for 'Advice and consent,' we even went as far as looking at how the Committee on Executive and Judicial Appointments of the U.S. Congress operated. We adopted their format of extending Senatorial courtesy to members and also to keep the hearings on a high level so that the hearings did not deteriorate into one of personalities. I really owe a lot to the committee members. They all worked very hard and very diligently. They have been subjected to a lot of pressure from outside concerns including the executive in trying to expedite the process, but the committee chose to deliberate on every nominee.

"I want to also note for the record, Mr. President, that I know that you, through a letter, gave the executive until the 18th of April to send the names of the nominees, but I as the chairman feel that in the next session, communication should be sent to the executive to please send these names of nominees earlier. I think this would not only be fair to the committee but also to the nominees. I have heard from some of my colleagues who are not on the committee that the executive has been making last minute calls trying to fill in names of nominees to make the deadline. This last minute furor puts the process in jeopardy. No matter if these persons are serving as volunteers or in a paid capacity, they should have the prerogative to at least submit their resume and at least be able to understand the commitment that they will be making by accepting an appointment.

"And as you know, Mr. President, the bigger and important boards and commissions require a lot of time, e.g., the Board of Regents. It involves many, many hours of reading and other commitments. What we have been doing is asking the nominees if they in fact can make those kinds of time and effort commitments and if they can in fact really sacrifice their private lives to be able to accommodate those kinds of schedules.

"So I'd appreciate, Mr. President, if you would communicate to the executive, that in the future, if we could get the names of the nominees in a timely manner, we could go through the 'advice and consent' process in a judicious manner.

"Thank you."

Senator Holt also rose on a point of personal privilege and stated:

"Mr. President, I'm rising on a point of personal privilege to bring the members' attention to what's happening with the conference on motor vehicle insurance.

"Yesterday at about 1:30 p.m., Senator Ikeda transmitted a memo to the three co-chairs in the House, basically saying that 'Attached for your approval is a conference committee notice to start the conference on Thursday at three o'clock.' I'm just quoting her letter: 'As you are aware, there are major differences between the House and Senate versions of the bill which will require a significant amount of time to resolve. Since reform of our no-fault system of automobile insurance is one of the key issues of the 1995 session, I'd like to suggest

that we begin our deliberations as soon as possible in order to fulfill the expectations of the general public.'

"The notice was returned back to the Senate unsigned at about 3:30 from the House. Following that we received a memo from Representative Menor at about 5:30, indicating that the 'House is anxious and committed as you are to begin work, but we would respectfully request that the first conference committee meeting be scheduled for sometime early next week.' And he mentioned Tuesday, which basically gives us two days to work before we have to deck bills.

"Senator Ikeda, in response to Representative Menor's memo, sent another letter back to him last night at six o'clock in response to his memo enclosing another conference committee hearing notice regarding the above referenced bill for approval and signature. And after consultation with members of the Senate conference committee, we agreed to accommodate his request for deferral (which is what he did do, defer our first one) of the conference committee meeting until Sunday, which is next week Sunday, April 23, 1995, at 3:00 p.m. Hopefully the House will sign the committee notice so we can begin work on the bill.

"Thank you."

APPOINTMENT AND DISCHARGE OF CONFEREES

S.B. No. 171, S.D. 1 (H.D. 1):

The President appointed Senator McCartney as a manager and discharged Senator Tam as a 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. 171, S.D. 1.

H.B. No. 2133, H.D. 2 (S.D. 1):

The President appointed Senators Holt, Kanno and Anderson as additional managers on the part of the Senate at the conference to be held for the consideration of amendments proposed by the House to H.B. No. 2133, H.D. 2.

ADJOURNMENT

At 12:41 o'clock p.m., on motion by Senator Ihara, seconded by Senator Liu and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, April 20, 1995.