

FIFTIETH DAY

Friday, April 16, 1999

The Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 1999, convened at 10:45 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by Mr. Al Jones, Interim Director of The Youth Ministry for the Diocese of Honolulu, after which the Roll was called showing all Senators present with the exception of Senator Iwase who was excused.

The President announced that he had read and approved the Journal of the Forty-Ninth Day.

At this time, the following introductions were made to the members of the Senate:

Senator Hanabusa recognized and congratulated the first graduating class of the Hawaiian language immersion schools of Nawahikalaniopuu and Anuenue and introduced the following members of the Class of 1999: Kekuamanoa Burgess, Kananinohea Kawaiaea, Kauikeolani Naniole, Hulilauakea Wilson and Kalimahana Young from Nawahikalaniopuu; and Kaimalino Woo Andrade, Hoku Fox, Kaheao Naauao, Kaliko Palmeira, Aneala Lopez and Kini Kaakimaka from Anuenue. Accompanying the students were teachers Puanani Wilhelm and Alahalani Housman and student teacher Keahi Renaud.

Senator Sakamoto, with the assistance of Senators Inouye and M. Ige, introduced and congratulated the following Prudential Spirit of Community Award winners: Andrew Allshouse, Aaron Romero, Nina Yuen and Theresa Engel. Accompanying the honorees were Todd Thacker, vice president of the Prudential Insurance Company of America; Fred Borenstein, managing director of Prudential Financial Services in Hawaii; and Dayna Colbertson, a Hawaii Prudential representative.

Senator Kawamoto then introduced Lieutenant General Edwin P. Smith, Commanding General of the U.S. Army, Pacific, and his wife, Jan and extended a warm aloha to the General and his family.

At this time, the Chair appointed Senators Kawamoto, Anderson and Ihara to escort General Smith to the podium to address the members of the Senate.

General Smith addressed the members of the Senate and their guests as follows:

"Mr. President, distinguished members of the Hawaii State Senate, and friends, it is indeed a pleasure for my wife Jan and I to be formally introduced to all of you today. And it is so because, as I do every morning when I walk around the place known as Palm Circle on historic Ft. Shafter to work every morning at the headquarters that I work in, as I do so, I can't help but be overwhelmed every morning by the historic beauty and the beautiful setting in which I am lucky enough to work. I feel delighted . . . we both feel delighted to be back here on our second assignment in Hawaii commanding soldiers, especially among such loyal and supportive Americans as exist in this State.

"The Asia/Pacific theater in which those of my command serve is, as you know, big, diverse and important -- no doubt about that. Our role everyday is to engage all of the counterpart armies, regional armies, in the Asia/Pacific theater in ways that convince them of our professionalism and capabilities and also in ways that clearly demonstrate our leadership to help keep this region prosperous and stable. That's what we do, and our priorities to keep us ready to do that are three. First, trained and ready soldiers and units, highly deployable and ready for any

task that they might be called upon to do. Second, the welfare and positive growth of all of the people for which we are responsible. And third, and I think most important, a sincere commitment to the enduring values of the United States of America and the Army that has served us so well for over 200 years. And to that end, we pledge our best every day. You here and the rest of our countrymen in the United States of America deserve nothing less.

"I'd like to thank you, again, for your loyal, continuing, steady support of all of the soldiers that serve here in this theater, of all of their families of our great civilian workforce and everyone else. It's a privilege and a pleasure to be back.

"Mahalo."

At 11:22 o'clock a.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 11:31 o'clock a.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 288 to 323) were read by the Clerk and were disposed of as follows:

Gov. Msg. No. 288, submitting for consideration and confirmation to the Community-Based Economic Development Advisory Council, the nominations of: YOU SOUKASEUM, term to expire June 30, 1999; DAVID FUERTES, term to expire June 30, 2001; JOHN ISOBE and LORRAINE M. MENDOZA, terms to expire June 30, 2002; and DAVID B. FISHER, JOYCE L.E. KAAIHUE and ALAN T. MURAKAMI, terms to expire June 30, 2003, was referred to the Committee on Economic Development.

Gov. Msg. No. 289, submitting for consideration and confirmation to the Defender Council, the nomination of ALFRED B. CASTILLO, JR., term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 290, submitting for consideration and confirmation to the Board of Dental Examiners, the nominations of: JAY A. CAMBRA, D.D.S., terms to expire June 30, 1999 and June 30, 2003; and STANWOOD H. KANNA, D.D.S., term to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 291, submitting for consideration and confirmation to the Hawai'i Advisory Commission on Drug Abuse and Controlled Substances, the nominations of: ALISON M. DINGLEY and THOMAS H. KAAIAI, JR., terms to expire June 30, 2001; JUDITH AKAMINE, term to expire June 30, 2002; and GARY L. BLAICH, M.D., GODREY "KAIPO" KEALALIO II and KEVIN KUNZ, M.D., terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 292, submitting for consideration and confirmation to the Policy Advisory Board for Elder Affairs, the nominations of: WAYNE T. HIKIDA, CLARA KATEKARU, FELY LIBRE, WINIFRED N. ODO, LINDA SPRATT, JILL N. TOKUDA and HARRIET O. YOSHIMORI, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 293, submitting for consideration and confirmation to the Elevator Mechanics Licensing Board, the nominations of: CLIFFORD R. SMITH and JAMES P. CHUNG, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 294, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nominations of: GAIL T. TOMINAGA, M.D., F.A.C.S., term to expire June 30, 2002; and VIRGINIA MARIE KAPALI, DELBERT M. NISHIMOTO, ANDY SCHWARTZ, M.D., TOBY L. CLAIRMONT and DARREN J. ROSARIO, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 295, submitting for consideration and confirmation to the Hawai'i Paroling Authority, the nomination of MARY JUANITA TIWANAK, term to expire June 30, 2003, was referred to the Committee on Judiciary.

Gov. Msg. No. 296, submitting for consideration and confirmation to the Board of Trustees, Hawai'i Public Employees Health Fund, the nominations of: JAMES H. YASUDA, term to expire June 30, 2000; and ROBERT S.J. HU, term to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 297, submitting for consideration and confirmation to the Statewide Health Coordinating Council, the nominations of: WILLIAM "SPEEDY" BAILEY and JESSE DAVID CURB, M.D., terms to expire June 30, 2001; and PATTY FOLEY, DARRELL M. KIKUCHI, GAYLE H. MACKURA, STACY K. EVENSEN, VIVAN HO and SUSAN B. HUNT, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 298, submitting for consideration and confirmation to the Honolulu Subarea Health Planning Council, the nomination of JOYCE INGRAM-CHINN, term to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 299, submitting for consideration and confirmation to the West Oahu Subarea Health Planning Council, the nominations of KATHLEEN DELAHANTY, JOYCE O'BRIEN and KHEN SEE ANG, M.D., terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 300, submitting for consideration and confirmation to the Windward Oahu Subarea Health Planning Council, the nominations of: RONALD T. HAYASHI, term to expire June 30, 2002; and KEVIN W. SYPWIEWSKI, ROY YAMAUCHI and ANN M. DITZLER, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 301, submitting for consideration and confirmation to the Hawai'i County Subarea Health Planning Council, the nominations of KATHLEEN M. MISHINA, KAREN A.M. NORRIS, JOY A. MCELROY, M.D., IRENE A. NAGAO and STEVEN G. PAVAO, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 302, submitting for consideration and confirmation to the Kauai County Subarea Health Planning Council, the nominations of RICHARD M. GOODALE, M.D., EMMALINE K. IHU, RONALD Y. FUJIMOTO, M.D., and LANI J. YUKIMURA, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 303, submitting for consideration and confirmation to the Maui County Subarea Health Planning Council, the nominations of: JUDY MCCORKLE, terms to expire June 30, 1999 and June 30, 2003; TIMOTHY T. SHIROMA, term to expire June 30, 2000; THOMAS R. FITZGERALD, JR., and PATRICIA MARY RAFFETTO, terms to expire June 30, 2001; and JOHN ORNELLAS, term to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 304, submitting for consideration and confirmation to the Statewide Independent Living Council, the nominations of J. COURTNEY FITZSIMMONS, DONNA M. BUHRMAN, EPE ANDERSON, HEATHER PROUD, SHARON SHORE, LINDA WONG, LYN A. PASAK, LORI G. ODELL and RANDOLPH C. HACK, terms to expire June 30, 2002, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 305, submitting for consideration and confirmation to the Island Burial Council, Island of Hawai'i, the nominations of CHARLES K.H. YOUNG and KEIKIALOHA KEKIPI, terms to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 306, submitting for consideration and confirmation to the Island Burial Council, Islands of Maui and Lanai, the nominations of DANA NAONE HALL and MEI LEE WONG, terms to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 307, submitting for consideration and confirmation to the Island Burial Council, Island of Oahu, the nominations of LYNETTE P. TIFFANY and DUNCAN K. SETO, terms to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 308, submitting for consideration and confirmation to the King Kamehameha Celebration Commission, the nominations of: MARION M. JOY and ROSE MAY ENOS-KU, terms to expire June 30, 2002; and LUCY M. AKAU and CANDACE K. LEE, terms to expire June 30, 2003, was referred to the Committee on Education and Technology.

Gov. Msg. No. 309, submitting for consideration and confirmation to the State Council on Mental Health, the nominations of: LESLIE ROSS, Ph.D., term to expire June 30, 2001; and SHELLY A. ABE OGATA, KUHIO ASAM, M.D., POE SUA'AVA III, WILLIAM S. BUD BOWLES, MARILYN JEAN MOE and SANDRA JANE MIYOSHI, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 310, submitting for consideration and confirmation to the Molokai Irrigation System Water Users Advisory Board, the nominations of: ROBERT M. GRANGER, terms to expire June 30, 1999 and June 30, 2003; and ROGERENE K.M. ARCE, term to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 311, submitting for consideration and confirmation to the Motor Vehicle Industry Licensing Board, the nominations of BUSTER M. KOMORI and DAVID D.S. CHUN, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 312, submitting for consideration and confirmation to the Motor Vehicle Repair Industry Board, the nominations of RUDOLPH E. AHLO and DAWN L. HIRAI, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 313, submitting for consideration and confirmation to the Board of Examiners in Optometry, the nominations of BARBARA J. DIRKS, O.D., FRANKLIN Y.P. LAU, O.D., and ERNEST K. OSHIRO, O.D., terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 314, submitting for consideration and confirmation to the State Advisory Council on Rehabilitation, the nominations of DOROTHY (NANI) FIFE, JAMES (JIM) C. BEAMAN and JOANNE H. KEALOHA, terms to expire

June 30, 2002, was referred to the Committee on Health and Human Services.

Gov. Msg. No. 315, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nominations of: MEMITO N. ABLAN, JUNE J. NAKAMURA and MAILE V.O. ROMANOWSKI, terms to expire June 30, 2001; ISOO OSHIMA, KENNETH T. ONO, ANDREW L. NICKLES and JAMES E. COON, terms to expire June 30, 2002; and ROY SHIMONISHI, DENISE WALKER, ANN B. LEIGHTON and TIMOTHY MOORE, terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Board of Taxation Review, First Taxation District (Oahu), the nominations of: CAROL RAE BAPTISTA, term to expire June 30, 2000; and CURTIS K. SAIKI and DON I. SAKAI, terms to expire June 30, 2003, was referred to the Committee on Ways and Means.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Board of Taxation Review, Second Taxation District (Maui County), the nominations of: RANDOLPH R. CABANILLA, term to expire June 30, 2000; and MIMI S.J. HU, term to expire June 30, 2003, was referred to the Committee on Ways and Means.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Board of Taxation Review, Third Taxation District (Hawai'i), the nomination of RICHARD SAKANISHI, term to expire June 30, 2003, was referred to the Committee on Ways and Means.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Board of Taxation Review, Fourth Taxation District (Kauai), the nomination of JOSE R.S. DIOGO, term to expire June 30, 2003, was referred to the Committee on Ways and Means.

Gov. Msg. No. 320, submitting for consideration and confirmation to the Board of Veterinary Examiners, the nominations of RICHARD M. FUJIE, D.V.M., Ph.D., and LISSA W.G. KAM, D.V.M., terms to expire June 30, 2003, was referred to the Committee on Commerce and Consumer Protection.

Gov. Msg. No. 321, submitting for consideration and confirmation to the Commission on Water Resource Management, the nominations of BRIAN C. NISHIDA and HERBERT M. RICHARDS, JR., terms to expire June 30, 2003, was referred to the Committee on Water, Land, and Hawaiian Affairs.

Gov. Msg. No. 322, submitting for consideration and confirmation to the Board of Certification of Operating Personnel in Water Treatment Plants, the nomination of RICHARD H. COX, term to expire June 30, 2003, was referred to the Committee on Labor and Environment.

Gov. Msg. No. 323, submitting for consideration and confirmation to the State Commission on the Status of Women, the nominations of JANE RENFRO SMITH and LESLIE WILKINS, terms to expire June 30, 2003, was referred to the Committee on Health and Human Services.

HOUSE COMMUNICATION

Hse. Com. No. 617, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1, H.D. 1 (S.D. 1);
H.B. No. 4, H.D. 1 (S.D. 1);
H.B. No. 8, H.D. 1 (S.D. 2);
H.B. No. 11, H.D. 1 (S.D. 1);

H.B. No. 20, H.D. 2 (S.D. 2);
H.B. No. 32, H.D. 2 (S.D. 2);
H.B. No. 37, H.D. 1 (S.D. 2);
H.B. No. 47, H.D. 1 (S.D. 1);
H.B. No. 71, H.D. 2 (S.D. 1);
H.B. No. 86 (S.D. 1);
H.B. No. 100, H.D. 1 (S.D. 1);
H.B. No. 104, H.D. 1 (S.D. 2);
H.B. No. 122, H.D. 2 (S.D. 1);
H.B. No. 133 (S.D. 1);
H.B. No. 138, H.D. 2 (S.D. 1);
H.B. No. 139, H.D. 1 (S.D. 2);
H.B. No. 140 (S.D. 2);
H.B. No. 142, H.D. 1 (S.D. 2);
H.B. No. 150, H.D. 2 (S.D. 1);
H.B. No. 157, H.D. 2 (S.D. 2);
H.B. No. 159, H.D. 2 (S.D. 2);
H.B. No. 161, H.D. 1 (S.D. 2);
H.B. No. 162, H.D. 1 (S.D. 2);
H.B. No. 167, H.D. 3 (S.D. 2);
H.B. No. 171, H.D. 2 (S.D. 2);
H.B. No. 172, H.D. 1 (S.D. 2);
H.B. No. 174 (S.D. 1);
H.B. No. 176, H.D. 2 (S.D. 2);
H.B. No. 177, H.D. 1 (S.D. 1);
H.B. No. 212, H.D. 1 (S.D. 1);
H.B. No. 232, H.D. 2 (S.D. 1);
H.B. No. 235, H.D. 2 (S.D. 2);
H.B. No. 252, H.D. 3 (S.D. 2);
H.B. No. 266, H.D. 2 (S.D. 2);
H.B. No. 273, H.D. 2 (S.D. 2);
H.B. No. 274, H.D. 3 (S.D. 2);
H.B. No. 294, H.D. 1 (S.D. 2);
H.B. No. 300, H.D. 1 (S.D. 1);
H.B. No. 314 (S.D. 2);
H.B. No. 318 (S.D. 1);
H.B. No. 325, H.D. 2 (S.D. 1);
H.B. No. 328, H.D. 1 (S.D. 2);
H.B. No. 333, H.D. 2 (S.D. 1);
H.B. No. 336, H.D. 1 (S.D. 1);
H.B. No. 351, H.D. 2 (S.D. 1);
H.B. No. 353, H.D. 2 (S.D. 1);
H.B. No. 374, H.D. 2 (S.D. 1);
H.B. No. 375, H.D. 1 (S.D. 1);
H.B. No. 377, H.D. 2 (S.D. 2);
H.B. No. 389 (S.D. 1);
H.B. No. 411, H.D. 1 (S.D. 1);
H.B. No. 424, H.D. 2 (S.D. 2);
H.B. No. 440, H.D. 2 (S.D. 2);
H.B. No. 460, H.D. 2 (S.D. 1);
H.B. No. 499, H.D. 2 (S.D. 2);
H.B. No. 500, H.D. 3 (S.D. 1);
H.B. No. 510, H.D. 1 (S.D. 2);
H.B. No. 512, H.D. 2 (S.D. 2);
H.B. No. 519 (S.D. 2);
H.B. No. 522, H.D. 3 (S.D. 2);
H.B. No. 531 (S.D. 2);
H.B. No. 532, H.D. 3 (S.D. 2);
H.B. No. 547, H.D. 3 (S.D. 2);
H.B. No. 557, H.D. 2 (S.D. 1);
H.B. No. 562 (S.D. 2);
H.B. No. 582, H.D. 2 (S.D. 2);
H.B. No. 632, H.D. 2 (S.D. 1);
H.B. No. 634, H.D. 1 (S.D. 1);
H.B. No. 635, H.D. 2 (S.D. 1);
H.B. No. 645 (S.D. 2);
H.B. No. 657, H.D. 2 (S.D. 1);
H.B. No. 658, H.D. 1 (S.D. 1);
H.B. No. 661, H.D. 3 (S.D. 2);
H.B. No. 664, H.D. 1 (S.D. 1);
H.B. No. 677, H.D. 1 (S.D. 2);
H.B. No. 700, H.D. 1 (S.D. 2);
H.B. No. 715 (S.D. 1);
H.B. No. 718, H.D. 1 (S.D. 2);
H.B. No. 747, H.D. 1 (S.D. 2);
H.B. No. 749, H.D. 3 (S.D. 2);

H.B. No. 753, H.D. 2 (S.D. 2);
 H.B. No. 756, H.D. 2 (S.D. 2);
 H.B. No. 765, H.D. 1 (S.D. 2);
 H.B. No. 797, H.D. 2 (S.D. 1);
 H.B. No. 806, H.D. 2 (S.D. 2);
 H.B. No. 827, H.D. 3 (S.D. 1);
 H.B. No. 830, H.D. 1 (S.D. 2);
 H.B. No. 855, H.D. 1 (S.D. 1);
 H.B. No. 895, H.D. 2 (S.D. 2);
 H.B. No. 898, H.D. 2 (S.D. 1);
 H.B. No. 945, H.D. 1 (S.D. 1);
 H.B. No. 949, H.D. 2 (S.D. 2);
 H.B. No. 955, H.D. 1 (S.D. 1);
 H.B. No. 978 (S.D. 1);
 H.B. No. 980, H.D. 2 (S.D. 1);
 H.B. No. 985, H.D. 1 (S.D. 2);
 H.B. No. 988, H.D. 2 (S.D. 2);
 H.B. No. 989, H.D. 1 (S.D. 2);
 H.B. No. 990, H.D. 1 (S.D. 1);
 H.B. No. 997, H.D. 1 (S.D. 1);
 H.B. No. 999, H.D. 1 (S.D. 1);
 H.B. No. 1006, H.D. 2 (S.D. 2);
 H.B. No. 1008 (S.D. 2);
 H.B. No. 1012, H.D. 1 (S.D. 1);
 H.B. No. 1017, H.D. 1 (S.D. 2);
 H.B. No. 1018, H.D. 2 (S.D. 1);
 H.B. No. 1020, H.D. 2 (S.D. 2);
 H.B. No. 1028, H.D. 1 (S.D. 1);
 H.B. No. 1035, H.D. 1 (S.D. 2);
 H.B. No. 1037 (S.D. 1);
 H.B. No. 1038, H.D. 1 (S.D. 2);
 H.B. No. 1041, H.D. 2 (S.D. 2);
 H.B. No. 1048, H.D. 1 (S.D. 1);
 H.B. No. 1063, H.D. 1 (S.D. 1);
 H.B. No. 1071, H.D. 1 (S.D. 2);
 H.B. No. 1073, H.D. 1 (S.D. 2);
 H.B. No. 1079, H.D. 3 (S.D. 1);
 H.B. No. 1080, H.D. 2 (S.D. 1);
 H.B. No. 1083, H.D. 2 (S.D. 1);
 H.B. No. 1088, H.D. 2 (S.D. 2);
 H.B. No. 1095, H.D. 1 (S.D. 2);
 H.B. No. 1111, H.D. 2 (S.D. 2);
 H.B. No. 1115, H.D. 2 (S.D. 1);
 H.B. No. 1117, H.D. 3 (S.D. 2);
 H.B. No. 1119, H.D. 1 (S.D. 1);
 H.B. No. 1138, H.D. 1 (S.D. 2);
 H.B. No. 1142, H.D. 3 (S.D. 2);
 H.B. No. 1145 (S.D. 2);
 H.B. No. 1146 (S.D. 2);
 H.B. No. 1153, H.D. 1 (S.D. 1);
 H.B. No. 1160, H.D. 1 (S.D. 2);
 H.B. No. 1166, H.D. 1 (S.D. 2);
 H.B. No. 1170, H.D. 2 (S.D. 1);
 H.B. No. 1172, H.D. 2 (S.D. 1);
 H.B. No. 1177, H.D. 2 (S.D. 1);
 H.B. No. 1178, H.D. 1 (S.D. 1);
 H.B. No. 1181, H.D. 1 (S.D. 2);
 H.B. No. 1183, H.D. 2 (S.D. 2);
 H.B. No. 1186 (S.D. 1);
 H.B. No. 1197, H.D. 2 (S.D. 1);
 H.B. No. 1198, H.D. 1 (S.D. 1);
 H.B. No. 1267, H.D. 1 (S.D. 2);
 H.B. No. 1280, H.D. 2 (S.D. 2);
 H.B. No. 1296, H.D. 1 (S.D. 1);
 H.B. No. 1361, H.D. 2 (S.D. 2);
 H.B. No. 1409, H.D. 2 (S.D. 1);
 H.B. No. 1411, H.D. 1 (S.D. 1);
 H.B. No. 1416, H.D. 2 (S.D. 2);
 H.B. No. 1450, H.D. 1 (S.D. 2);
 H.B. No. 1454, H.D. 2 (S.D. 2);
 H.B. No. 1460, H.D. 2 (S.D. 2);
 H.B. No. 1471, H.D. 1 (S.D. 1);
 H.B. No. 1497, H.D. 1 (S.D. 1);
 H.B. No. 1522, H.D. 1 (S.D. 1);
 H.B. No. 1575, H.D. 2 (S.D. 1);
 H.B. No. 1593, H.D. 1 (S.D. 2);

H.B. No. 1620, H.D. 1 (S.D. 2);
 H.B. No. 1622, H.D. 1 (S.D. 1);
 H.B. No. 1624, H.D. 2 (S.D. 1);
 H.B. No. 1628 (S.D. 2);
 H.B. No. 1636, H.D. 2 (S.D. 1);
 H.B. No. 1637, H.D. 2 (S.D. 2);
 H.B. No. 1641, H.D. 1 (S.D. 2);
 H.B. No. 1649, H.D. 2 (S.D. 1);
 H.B. No. 1660, H.D. 2 (S.D. 1);
 H.B. No. 1663, H.D. 2 (S.D. 2);
 H.B. No. 1664, H.D. 3 (S.D. 1);
 H.B. No. 1683, H.D. 2 (S.D. 2);
 H.B. No. 1693, H.D. 1 (S.D. 1);
 H.B. No. 1711, H.D. 2 (S.D. 1); and
 H.B. No. 1726, H.D. 1 (S.D. 1),

was read by the Clerk and was placed on file.

STANDING COMMITTEE REPORTS

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1719) recommending that the Senate advise and consent to the nominations of SHARI W. CHANG, MARK ROLFING, KEITH VIEIRA, RON WRIGHT, W. DAVID P. CAREY III, GARY J. BALDWIN, GILBERT M. KIMURA, DIANE S. QUITQUIT, JOHN LINN REED and ROY TOKUJO to the Board of Directors, Hawai'i Tourism Authority, in accordance with Gov. Msg. No. 202.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1719 and Gov. Msg. No. 202 was deferred until Monday, April 19, 1999.

Senator Nakata, for the Committee on Labor and Environment, presented a report (Stand. Com. Rep. No. 1720) recommending that the Senate advise and consent to the nominations of JOAN WHITE, W. ROY JOHNSON, GERALD OKAMOTO, WILLIAM T. HONJIYO, DIANE ROSE MACHA, NORMAN JANICKI, JR., and KA'IULANI DE SILVA to the Hawai'i School-to-Work Opportunities Executive Council, in accordance with Gov. Msg. No. 237.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1720 and Gov. Msg. No. 237 was deferred until Monday, April 19, 1999.

Senator Inouye, for the majority of the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1721) recommending that the Senate advise and consent to the nomination of JAMES J. NAKATANI as Chairperson, Board of Agriculture, in accordance with Gov. Msg. No. 144.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1721 and Gov. Msg. No. 144 was deferred until Monday, April 19, 1999.

Senator Inouye, for the Committee on Economic Development, presented a report (Stand. Com. Rep. No. 1722) recommending that the Senate advise and consent to the nomination of SEIJI F. NAYA, Ph.D., as Director of Business, Economic Development, and Tourism, in accordance with Gov. Msg. No. 147.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1722 and Gov. Msg. No. 147 was deferred until Monday, April 19, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1723) recommending that the Senate advise and consent to the nomination of EDWARD V. RICHARDSON as Adjutant General, in accordance with Gov. Msg. No. 149.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1723 and Gov. Msg. No. 149 was deferred until Monday, April 19, 1999.

Senator Kawamoto, for the Committee on Transportation and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 1724) recommending that the Senate advise and consent to the nomination of KAZU HAYASHIDA as Director of Transportation, in accordance with Gov. Msg. No. 158.

In accordance with Senate Rule 36(6), action on Stand. Com. Rep. No. 1724 and Gov. Msg. No. 158 was deferred until Monday, April 19, 1999.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 1616 (Gov. Msg. No. 184):

Senator Fukunaga moved that Stand. Com. Rep. No. 1616 be received and placed on file, seconded by Senator Levin and carried.

Senator Fukunaga then moved that the Senate advise and consent to the nomination of MARCELLA SETO CHOCK, Pharm.D., to the Drug Product Selection Board, term to expire June 30, 2002, seconded by Senator Levin.

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

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

Stand. Com. Rep. No. 1617 (Gov. Msg. No. 246):

Senator Nakata moved that Stand. Com. Rep. No. 1617 be received and placed on file, seconded by Senator M. Ige and carried.

Senator Nakata then moved that the Senate advise and consent to the nominations of ROGER BABCOCK JR., Ph.D., SOLOMON K. NAONE JR., JOSE M. PADRON and BERT UYENO to the Board of Certification of Operating Personnel in Wastewater Treatment Plants, terms to expire June 30, 2003, seconded by Senator M. Ige.

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

Ayes, 23. Noes, none. Excused, 2 (Chun Oakland, Iwase).

Stand. Com. Rep. No. 1716 (Gov. Msg. No. 247):

Senator Chumbley moved that Stand. Com. Rep. No. 1716 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of GARY W.B. CHANG as Judge of the 14th Division, 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, and in accordance with Gov. Msg. No. 247, seconded by Senator Matsunaga.

Senator Matsunaga rose in support of the nominee and said:

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

"Mr. President, I have more extensive comments I'd like inserted into the Journal, but let me please summarize by saying that Mr. Chang's appointment comes with great community support and is very well deserved. I am confident that Mr. Chang's commitment for excellence will enhance and protect the quality of life for all of us in our community.

"I urge my colleagues to consent to this nomination.

"Thank you, Mr. President."

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

"Mr. President and members, Gary Chang holds a Bachelor's degree from the University of Hawaii at Manoa and a J.D. degree from the University of Gonzaga Law School. Mr. Chang has 20 years of law experience and has served as a State Deputy Attorney General. He is also a member of the Hawaii State Bar Association, the American Bar Association and Na Hoaloaha O McKinley.

"During the Senate Judiciary Committee hearing, the Committee heard his views on pressing community issues such as tort reform, community service, and the balance of powers between the judicial branch and the legislative branch of government. The Committee also heard several members of the legal community as well as organizations and private citizens come forward to voice their overwhelming support for Mr. Chang. To quote some of the testimony that was reiterated several times -- 'Gary Chang is a fair-minded, humble, compassionate, and hard-working individual with a great sense of humor.' 'Mr. Chang possesses the legal knowledge and ability, professional experience, judicial temperament, and impartiality needed to be qualified as a judge in the First Circuit Court.'

"As you can see, this appointment comes with great community support and is well deserved. I am confident that Mr. Chang's commitment to excellence will enhance and protect the quality of life for all of us in our community. I urge my colleagues to consent to this nomination."

Senator Chun rose in support of the nominee and stated:

"Mr. President, I also urge my colleagues to vote in favor of the advice and consent of Mr. Chang as a Circuit Court Judge of the First Circuit.

"I knew Mr. Chang when I first went to law school at Gonzaga University School of Law. One of the first people I met from Hawaii was Mr. Chang and I was awed by his knowledge and humor. That continued after we all graduated and took the bar exam and when he was working in various positions within the state as a lawyer. I was always awed by his knowledge of the law and his commitment to excellence.

"Mr. President, I received several faxes from my fellow colleagues from Gonzaga University School of Law and they wanted to be sure that their position was known and that his antics would not go unnoticed, but I decided against reading them here. But suffice to say that Mr. Chang's knowledge of the law, his humanity and his commitment to excellence will bring much credit to the judicial profession.

"I urge my colleagues to vote in favor of this measure.

"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 (Iwase).

Stand. Com. Rep. No. 1717 (Gov. Msg. No. 248):

Senator Chumbley moved that Stand. Com. Rep. No. 1717 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of JOSEPH E. CARDOZA as Third Judge of the Circuit Court of the Second Circuit, for a term of ten years, in

accordance with the provisions of Article VI, Section 3, of the Hawaii State Constitution, and in accordance with Gov. Msg. No. 248, seconded by Senator Matsunaga.

Senator Chumbley rose in support of the nominee and said:

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

"On behalf of Senators Tanaka and Buen, I want to urge our colleagues to support this nomination.

"As you may know, Joe Cardoza has been very active both in the legal community in his profession as president of the Maui Bar Association, president of the Hawaii Prosecuting Attorneys Association, and numerous community activities. Some of the words that came to mind during the confirmation hearing were, that he was very trustworthy, compassionate, hardworking, possesses the highest level of integrity and professionalism for his work.

"Mr. President, we believe that Mr. Cardoza will make an excellent judge for Maui and we want to urge all of our colleagues to support this confirmation.

"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 (Iwase).

Stand. Com. Rep. No. 1718 (Jud. Com. No. 1):

Senator Chumbley moved that Stand. Com. Rep. No. 1718 be received and placed on file, seconded by Senator Matsunaga and carried.

Senator Chumbley then moved that the Senate consent to the nomination of CALVIN K. MURASHIGE as Judge of the District Court of the Fifth Circuit, for a term of six years, in accordance with the provisions of Section 604-2, Hawaii Revised Statutes, and in accordance with Jud. Com. No. 1, seconded by Senator Matsunaga.

Senator Chumbley rose to support the confirmation as follows:

"Mr. President, I also rise to speak in support of this confirmation.

"On behalf of my colleague from Kauai, we also want to urge our colleagues to support this nomination.

"Calvin Murashige has been very active, both in the legal community and different organizations such as the Boy Scouts and the Lihue Christian Church on Kauai. I think many of the people on Kauai look up to him and respect his community involvement and professional involvement for the years that he has been contributing to the Island of Kauai.

"We have found him to be extremely competent and of high moral character, caring and fair, and also very compassionate, and we believe that he would be an excellent judge to the bench on Kauai and we urge all our colleagues to support him.

"Thank you."

Senator Chun also rose to support the nominee as follows:

"Mr. President, I also urge all my colleagues to support this nomination.

"Mr. Murashige's reputation in the community is completely spotless and his dedication to the law is only second to his dedication to his family. I had the pleasure of serving with Mr. Murashige on the board of the Ae Kamali'i Preschool where

I've come to know him as a very straight forward and honest person who really cares about the children. I'm very, very happy with the nomination and I urge all my colleagues to support him.

"Thank you very much."

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

Ayes, 23. Noes, none. Excused, 2 (Iwase, Kawamoto).

At this time, Senator Chumbley introduced Judge Gary W.B. Chang, Judge Joseph E. Cardoza and Judge Calvin K. Murashige who were seated in the gallery with their families and friends.

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

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

"At 5:30 this morning, Mr. President, I was reading the Advertiser. I'm lucky we get it early. And it says, 'The Governor Threatens to Pardon Inmates.' One of the things that disturbed me was that he more or less said it was because of non-funding and nobody has guts here to speak up. Now, we did mention that the other day that it was not in the budget, and I felt that was very wrong, just as Senator Slom said over and over. But we've got to also remember the Governor has moved it maybe to five different areas on the Big Island so that he can be friends with everybody. We have three Senators here from the Big Island that may not want it in their backyard. But I want to let you know that in Kailua we have the Boys Home, the Girls Home. We now have the Women's Prison. We have all kinds of abusive homes. Anything that the public would be concerned about, we have. I've also said that since we have the rubbish dump and they want to build another one, we'll take it if we could get all the employees. But they wouldn't do that.

"I think what bothers me about his statement, though, Mr. President, is he said a lot of it is pork barrel, and he's going to hold it back. Well, that may be true, but let me tell you, when we were looking at trying to come up with some CIP, we wanted to make sure that we did the best we could for our district. For instance, for a few years now we've been trying to get the Waimanalo Intermediate School basketball court, which is outdoors, resurfaced. I think it's \$30,000, but we give him a billion-dollar budget for our construction and, to the best of my knowledge, that resurfacing has not happened yet. I also said I would back Representative Goodenow because he wanted \$117,000, I think, for Kailua Library. Now the wastewater management is for everybody and I said I would back that.

"I think the Governor has got to understand. First of all, he's got to make sure now it's Kulani. But once he has said he is going to have the prison there, then he can come down and try to get votes. He may call you guys, upstairs, but he sure as hell doesn't walk downstairs. And every governor that I've known, even long before I got in . . . Governor Burns came down -- he was interested in votes, not in parties -- so did Governor Ariyoshi, so did Governor Waihee. But you come down and you ask -- we need this; we have to have it. You don't stay up in your little tower.

"Another thing that bothers me is he said that Mr. Anzai told him that this is a good time to borrow money, not to have private enterprise. Private enterprise couldn't do the job, evidently, yet we're sending our prisoners to the Mainland to private prisons. Why is it that if they're not good, we're sending them there? Why couldn't we find someone in private enterprise to build a prison that's going to give you high security, medium security, low security, whatever you need? There's enough data that he could get. If I could ask my staff (they're very short-handed) and if I gave them a couple of days, they could find out all of the information on private prisons on

the Mainland -- Who's failed? Why? How? We found out from the National Conference of State Legislators that by bidding, sometimes they have cheated the prison inmates by not feeding them properly because they bid too low. They didn't do well for the guards because they held back on the number of guards. Consequently, they got a lot of overtime, but there wasn't enough guards to do the job. There's all kinds of data that we have, my friends.

"And then you have the Speaker of the House who I believe is saying that not all of the projects that they have over there are pork, they're for the good of the people. If we're going to show leadership over here, we have to make sure, Mr. President, that the Governor comes down, he talks to the Senate, tells them what their priorities are. And when I say all of us, I mean all of us. I talked to him a couple of years ago. We had some good ideas, but they didn't figure in certain things that they should have. Then he said, 'God, if we figure that in then we don't have to subsidize.' But then the next year that project was gone. It's no longer a priority. You see, if a project is good today, it's good tomorrow; it's good the next day. We don't have the type of people in leadership that are doing this right now, and it's frustrating and it's bothering me, and I'm sure it bothers Senator Slom. It should be bothering you.

"I had many, many people yesterday that are employed, they're long time Democrats. They said, 'What's happening to our institution? What are you guys doing?' And I said we stand on the floor but we don't have the votes; you have the votes and you're not exercising them. Either you don't want to agree with someone because he or she happens to be a Republican, or this is going to be very, very bad for my uncle's cousin's brother. I've got a genealogy upstairs that will make you sick. Everybody said, you know, they think we come from Mars. I've got more family than the man in the moon. When I stand up here, I represent, I believe, as many people as I can. If it hurts some, I'm awfully sorry. It's to benefit the most.

"So, Mr. President, regardless of what the Governor thinks of this Senate, I believe that he should come down and talk to us, let us know where his priorities are. He himself has got to start making some decisions. And Mr. President, we have to start making some tough decisions. That's what we were elected for, hired for, whatever anybody wants to say the reason that we're here, but we owe the people of Hawaii to make tough decisions, not to look at what's best for an individual friend, or a group, or ourselves.

"Thank you very much, Mr. President."

Senator Slom also rose on a point of personal privilege and said:

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

"I echo the words and sentiments of the Minority Leader -- things that we've said for quite some time -- but I did want to clear up a misconception, Mr. President. Some people thought that I wrote the speech for the Governor, since he was borrowing heavily from words that had been attributed to me in the past, but I assure you, Mr. President, I did not.

"I can understand the Governor's frustration, because the ratio of Majority Party to Minority Party is 23 to 2, here, so I can understand why he has a difficult time getting his things through. But when he makes the charge that we're a 'do-nothing' body, Mr. President, I take personal umbrage at that because he's not been down here to see the number of beauty contestants that we honor. He's not been down here to see the strange fruits and vegetables that we have distributed. He's not been here to witness the chin-ups and the push-ups and the belly-flops and the things that we do here and the former politicians that we've honored.

"So, my colleagues, we still have ten days left, and I'm still confident. I'm not that disappointed yet. I still think that we

can do things and accomplish things, because in your hearts you know the right thing to do. And in the end, when you have to vote and your name has to be attributed to that vote and that position, whether it be taxes or regulation or bureaucracy, I'm confident that you will do the right thing.

"Thank you, Mr. President."

ADJOURNMENT

At 11:50 o'clock a.m., on motion by Senator Chun, seconded by Senator Slom and carried, the Senate adjourned until 11:30 o'clock a.m., Monday, April 19, 1999.