

TWELFTH DAY

Friday, February 2, 2001

The Senate of the Twenty-First Legislature of the State of Hawaii, Regular Session of 2001, convened at 12:45 o'clock p.m. with the President in the Chair.

The Divine Blessing was invoked by Sister Claudia Wong, C.S.J., Sisters of St. Joseph, after which the Roll was called showing all Senators present with the exception of Senators Fukunaga, Matsunaga, Matsuura and Menor who were excused.

The President announced that he had read and approved the Journal of the Eleventh Day.

HOUSE COMMUNICATION

Hse. Com. No. 4, transmitting a letter informing the Senate that S.B. No. 890, S.D. 1, H.D. 1, was filed in the House Clerk's Office at 10:02 o'clock a.m. on January 31, 2001, was read by the Clerk and was placed on file.

There being no objections, the Senate took the following actions out of order from the sequence printed on the Order of the Day:

STANDING COMMITTEE REPORTS

Senator Sakamoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 5) recommending that S.B. No. 535 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 535, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Senator Kim, for the Committee on Tourism and Intergovernmental Affairs, presented a report (Stand. Com. Rep. No. 6) recommending that S.B. No. 174 pass Second Reading and be referred to the Committee on Commerce, Consumer Protection and Housing.

On motion by Senator English, seconded by Senator Hemmings and carried, the report of the Committee was adopted and S.B. No. 174, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING PLANS," passed Second Reading and was referred to the Committee on Commerce, Consumer Protection and Housing.

ORDER OF THE DAY

ADVISE AND CONSENT

Stand. Com. Rep. No. 3 (Gov. Msg. No. 118):

Senator Kawamoto moved that Stand. Com. Rep. No. 3 be received and placed on file, seconded by Senator Buen and carried.

Senator Kawamoto then moved that the Senate advise and consent to the nomination of BRIAN K. MINAAI as Director of Transportation, term to expire December 2, 2002, seconded by Senator Buen.

Senator Kawamoto rose in support of the nomination and said:

"Mr. President, first of all I'd like to introduce Cheryl Minaai, wife of the nominee, and Julie Ann Minaai, his daughter. (Both rose to be recognized.)

"Mr. President, your Committee on Transportation, Military Affairs, and Government Operations received testimony from over 90 individuals in support of Mr. Minaai's nomination. There was no testimony submitted in opposition.

"Your Committee finds that the nominee will work with compassion and commitment in heading the Department of Transportation. As Deputy Director of Transportation, the nominee demonstrated the ability to lead and to carry out the responsibilities of that office. Your Committee finds that the nominee has been appointed based upon his credentials, integrity, and a desire to make Hawaii better through his participation as Director of Transportation.

"On a personal basis, I was fortunate enough to work with Mr. Minaai when he was Chief of Staff on the Senate Ways and Means Committee. Even back then, he impressed me with his work ethics, dedication and professionalism.

"After full consideration of Mr. Minaai's background, character, experience, and qualifications, your Committee has found the nominee to be qualified for the position of Director of Transportation and recommends that the Senate advise and consent to the nomination. I urge all my colleagues to vote 'aye' on this nominee.

"Thank you."

Senator Hemmings rose to support the nominee as follows:

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

"Mr. President, I did some very extensive polling of every individual in the Republican Caucus and I can tell you most assuredly that the support for Mr. Minaai is unanimous. But I do want to add a note of special interest to those who represent the republican ideology here at the Legislature. Over 90 people testified in his favor, in fact, I think he got everybody down here but his wife for the testimony. Senator Kawamoto ran a very excellent Committee hearing and expeditiously got through the 90 testifiers.

"A particular note, Mr. President, was the fact that the majority of the testifiers were from the private sector and many of them flew in from the mainland to testify on behalf of his nomination. I think that's great testimony to the leadership of this man, but also to the fact that he is a man in government who can pull in private sector people to support his efforts. We know that good government is going to take more private sector partnership with good working people in government and Mr. Minaai is the man. Therefore, I can tell you that your Minority Caucus wholeheartedly supports his nomination.

"Thank you, Mr. President."

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

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

"Mr. President, it is interesting to note when I was talking to Mr. Minaai and going over his background that he is one of the few Department of Transportation department heads who is not an engineer. In fact he has an accounting degree and a planning degree. Mr. President, I think that's real interesting. I think

that's an indication of a new direction that the Department of Transportation is heading to. I think it's a much-needed way of looking at things because the Department of Transportation needs to plan ahead as we start the twenty-first century. They need to plan for our facilities; they need to plan for our airports; and I think having somebody with Mr. Minaai's background is a step in the right direction. So I fully support the nomination, Mr. President."

Senator Buen rose to speak in favor of the nomination and said:

"Mr. President and colleagues, I, too, rise in favor of this nominee.

"It has been a pleasure working with Mr. Minaai, particularly on the challenging road issues on Maui. With his experience and knowledge of state government and the budget, I truly believe he will be able to execute his plans.

"In the front page of this morning's Advertiser, it says, 'Frightening Traffic Mars Maui.' There are many challenges when the roads are very congested on Maui, and Mr. Minaai has been very responsive in meeting with me and other Legislators from Maui to fix these choked road problems. So we need a director who is proactive in addressing all the transportation needs of this State. I believe Mr. Minaai will be able to do that.

"For these reasons, Mr. President, I ask my colleagues to support this nomination. Thank you."

Senator Tam also rose in favor of the nominee and said:

"Mr. President, I wish to speak in favor of the nominee.

"Mr. President and fellow colleagues, I have known Mr. Brian Minaai for many years and have also worked with him as a budget analyst. There are three characteristics I would like to mention which describe Brian Minaai: he is (1) an experienced administrator; (2) fair and sincere; and (3) an excellent budget analyst.

"Thank you."

Senator Kim rose in support of the nominee and said:

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

"Although I haven't really worked with Mr. Minaai, I had the opportunity to meet with him in my office and I have found him to be very open and found him to be willing to also keep an open mind on many issues that will be before us. I really liked his attitude. I like his common sense approach. And some of the things we talked about, he got back to me right away on some of those issues, and I think that was very efficient of him to do that. I look forward to working with him. Thank you."

Senator Inouye rose to support the nominee and said:

"Mr. President, I speak on behalf of the Big Island contingent to support the nominee.

"Mr. President, last but not least, the Big Island is always there for us. On behalf of the Big Island Senators – Senator Kokubun, in the absence of Senator Matsuura, and of course, our former big islander, Senator Kawamoto – we wish Mr. Minaai well. His family has done very well for the community on the Big Island and it shows where his roots came from.

"For all of us I'm sure we're here to support him and continue to work with Mr. Minaai and we congratulate him. Thank Mr. President."

Senator English rose to support the nominee also and said:

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

"Mr. President and members of the Senate, I've been very pleased with my discussions with the nominee, and I have to say that Maui is very proud to deliver another one of its sons to the administration side of government.

"I think that we have a great man in Mr. Minaai, mainly because he's open minded and willing to think long term, and willing to see all sides of an issue. I discussed some very pressing issues on Maui, as the Senator from Lahaina talked about, and indeed we are in gridlock in Maui, so to speak – nothing compared with Oahu, by the way, but for Maui it is gridlock. Mr. Minaai has been very open, very willing to discuss innovative ways of dealing with the problem. And that's what we need in government.

"I agree with our Minority Caucus, Mr. President, that anyone that can bring in the private sector and the ideas that the private sector has is well worth bringing on to our administration. Therefore, Mr. President, I support the nomination.

"Thank you."

Senator Slom added his support as follows:

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

"I want to echo the words of the Minority Floor Leader, and I want to say that the nominee is the right man for the right job at the right time, and we're all looking forward to having him succeed.

"And now, Mr. President, can I ask that we expedite this so we can get all these employees back to work so we fix Kalaniana'ole Highway. Thank you, Mr. President."

Senator Taniguchi rose in support and said:

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

"I just wanted to echo all of the comments of my colleagues. I support Mr. Minaai very strongly. I believe he is dedicated, he's qualified, he's open, and I urge all my colleagues to vote for him.

"Thank you."

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

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Ihara, Matsuura, Matsuura, Menor).

RE-REFERRAL OF SENATE BILLS

The Chair re-referred the following Senate bills that were introduced:

Senate Bill Referred to:

No. 233 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Health and Human Services, then to the Committee on Judiciary

No. 634 Committee on Water, Land, Energy, and Environment, then to the Committee on Commerce, Consumer Protection and Housing

No. 742 Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 900 Jointly to the Committee on Tourism and Intergovernmental Affairs and the Committee on Transportation, Military Affairs, and Government Operations, then to the Committee on Commerce, Consumer Protection and Housing

No. 953 Committee on Health and Human Services, then to the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

No. 1177 Jointly to the Committee on Judiciary and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 1266 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 1267 Jointly to the Committee on Transportation, Military Affairs, and Government Operations, the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Judiciary

No. 1268 Jointly to the Committee on Commerce, Consumer Protection and Housing and the Committee on Tourism and Intergovernmental Affairs, then to the Committee on Ways and Means

No. 1292 Jointly to the Committee on Education and the Committee on Economic Development and Technology, then to the Committee on Ways and Means

No. 1303 Jointly to the Committee on Education and the Committee on Health and Human Services, then to the Committee on Ways and Means

No. 1534 Jointly to the Committee on Health and Human Services and the Committee on Commerce, Consumer Protection and Housing, then to the Committee on Ways and Means

HOUSE COMMUNICATION

Hse. Com. No. 5, returning S.B. No. 890, S.D. 1, which passed Third Reading in the House of Representatives on February 2, 2001, in an amended form, was read by the Clerk and was placed on file.

Senator Taniguchi moved that the Senate agree to the amendments proposed by the House to S.B. No. 890, S.D. 1, seconded by Senator Hanabusa.

Senator Taniguchi rose and said:

“Mr. President, the House made two amendments. One is to provide an additional \$300,000 to the Auditor’s Office for Felix related consent decree studies and other activities. They also

amended the bill to insure that those appropriations be expended upon approval.”

The motion was put by the chair and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 890, S.D. 1, and S.B. No. 890, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN,” was placed on the calendar for Final Reading.

At this time, the President made the following inquiry:

“Mr. Clerk, are we ready to vote on S.B. No. 890, S.D. 1, H.D. 1?”

The Clerk responded:

“Yes, Mr. President, pursuant to Article III, Section 15, of the Hawaii State Constitution, printed copies of the bill in a form to be voted on today were made available to the members for at least 48 hours.”

FINAL READING

S.B. No. 890, S.D. 1, H.D. 1:

On motion by Senator Taniguchi, seconded by Senator Hanabusa and carried, the Senate agreed to the amendments proposed by the House to S.B. No. 890, S.D. 1, and S.B. No. 890, S.D. 1, H.D. 1, entitled: “A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE LEGISLATIVE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN,” having been read throughout, passed Final Reading on the following showing of Ayes and Noes:

Ayes, 20. Noes, none. Excused, 5 (Fukunaga, Ihara, Matsunaga, Matsuura, Menor).

ADJOURNMENT

At 1:07 o’clock p.m., on motion by Senator English, seconded by Senator Hemmings and carried, the Senate adjourned until 11:30 o’clock a.m., Monday, February 5, 2001.

Respectfully submitted,

Clerk of the Senate

Approved:

President of the Senate